



I hereby give notice that the Council Assessment Panel Meeting will be held on:

**Date:** Friday, 31 January 2020  
**Time:** 9.30am  
**Location:** Council Chambers  
Minlaton Town Hall  
57 Main Street  
Minlaton

# **AGENDA**

## **Council Assessment Panel Meeting**

**31 January 2020**

A handwritten signature in blue ink, appearing to read "Roger Brooks", is positioned above the printed name.

**Roger Brooks**  
**ASSESSMENT MANAGER**

**Yorke Peninsula Council  
Assessment Panel Membership**

Debra Agnew – Presiding Member

Ben Green

Peter Allen

Elinor Walker

Jeffrey Cook

John Rich

**CONFLICT OF INTEREST**

Council Assessment Panel Members are reminded of the requirements for disclosure by Members of direct or indirect personal or pecuniary interest in an item listed for consideration on the Agenda. Section 56A of the Development Act 1993 requires that Members declare any interest and provide full and accurate details of the relevant interest to the Council Assessment Panel prior to consideration of that item on the Agenda.

Each Member of a Council Assessment Panel has a duty to vote at all meetings unless excepted by legislation.

The major exception being where a Member has a conflict of interest.

## Agenda

<b>1</b>	<b>Welcome by Presiding Member</b> .....	<b>5</b>
<b>2</b>	<b>Present</b> .....	<b>5</b>
<b>3</b>	<b>Gallery</b> .....	<b>5</b>
<b>4</b>	<b>Apologies</b> .....	<b>5</b>
<b>5</b>	<b>Leave of Absence</b> .....	<b>5</b>
<b>6</b>	<b>Minutes of Previous Meeting – for Confirmation</b> .....	<b>5</b>
<b>7</b>	<b>Conflict of Interest</b> .....	<b>5</b>
<b>8</b>	<b>Visitors to the Meeting</b> .....	<b>5</b>
	<b>REPORTS</b> .....	<b>7</b>
<b>9</b>	<b>Development Applications</b> .....	<b>8</b>
	9.1 544/1135/2019 – T& A Russell.....	8
<b>10</b>	<b>Matters Deferred</b> .....	<b>55</b>
	10.1 Matter Deferred - 544/D002/2019 (544/1048/2019) - Lachmarden Pty Ltd .....	55
<b>11</b>	<b>ERD Court Matters</b> .....	<b>99</b>
<b>12</b>	<b>Concurrence Approvals</b> .....	<b>99</b>
<b>13</b>	<b>Procedural Matters</b> .....	<b>100</b>
	13.1 Appointment of Acting Presiding Member.....	100
<b>14</b>	<b>Next Meeting</b> .....	<b>122</b>
	Tuesday 25 February 2020	
<b>15</b>	<b>Closure</b> .....	<b>122</b>



**1 WELCOME BY PRESIDING MEMBER**

Meeting declared opened

**2 PRESENT**

**3 GALLERY**

**4 APOLOGIES**

Nil

**5 LEAVE OF ABSENCE**

Nil

**6 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION**

Council Assessment Panel Meeting - 26 November 2019

**7 CONFLICT OF INTEREST**

**8 VISITORS TO THE MEETING**

Item 10.1 - Lachmarden Pty Ltd – John Outhred - Applicants Planning Consultant

Item 10.1 - Lachmarden Pty Ltd – Jamie Smith - Applicant

# REPORTS

**REPORTS**

**9 DEVELOPMENT APPLICATIONS****9.1 544/1135/2019 - T & A RUSSELL****Document #:** 20/1987**Department:** Development Services**PROPOSAL OUTLINE****Author:** Heidi Smith**Application No.:** 544/1135/2019**Applicant:** Stuart Palecek**Owner:** T & A Russell**Development Proposal:** Demolish Existing Dwelling; Two Storey Dwelling, Deck and Verandah**Lodgement Date:** 11 April 2019**Subject Land:** (Sec 156) 254 Reo Road, The Pines**Zone:** Water Protection**Nature of Development:** Non-Complying**Public Notification:** Category 3**Representations:** Nil**Referrals:** Nil**Development Plan Version:** 29 November 2018**RECOMMENDATION**

- A. That Development Application 544/1135/2019 for the demolition of the existing dwelling and the construction of a two Storey Dwelling, deck and verandah at Section 156 Hundred of Para Wurlie – 254 Reo Road, The Pines 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 demolition of the existing dwelling and the construction of a two Storey Dwelling, deck and verandah at Section 156 Hundred of Para Wurlie – 254 Reo Road, The Pines (Development Application 544/1135/2019), 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 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) Be located and designed to minimise risk from bushfires.**
  - (c) 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. 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.

### NATURE OF THE DEVELOPMENT

New dwellings are non-complying in the Water Protection Zone unless they meet a number of requirements as outlined below:

Dwelling	Except where used for the purposes of administering the: (a) <i>National Parks and Wildlife Act 1972</i> (b) <i>Wilderness Protection Act 1992</i> .
----------	--

The proposal does not meet any of the above criterion, and therefore, must be assessed as a non-complying type of development.

Proceeding to assessment under delegation (*refer Attachment 4 – Delegated Authority Report*), a Statement of Effect was obtained in accordance with Section 39(2)(d) of the Development Act 1993 (*refer Attachment 5*).

### DESCRIPTION OF THE PROPOSAL

The application is for a replacement dwelling on a parcel of land south of the township of The Pines, being Section 156, 254 Reo Road, The Pines. The property is an existing farming property on the northern edge of the Water Protection Zone (*refer Attachment 1*).

The land is 199.5 hectares in size which is mostly cleared with some pockets of native vegetation remaining.

The proposal consists of the demolition of an existing single storey dwelling and the construction of an elevated dwelling in substantially the same location with a ground floor enclosed room and bathroom/laundry, an upper level kitchen, living/dining, bathroom, master bedroom with ensuite and three additional bedrooms. The total footprint of the proposal is approximately 350 square metres and has walls clad with horizontal custom orb, Colorbond Woodland Grey and custom orb roofing, Colorbond Woodland Grey (*refer Attachment 3*).

### SUBJECT LAND AND LOCALITY

The subject land is formally identified as Section 156 Hundred of Para Wurlie in the area named The Pines, as contained within the Certificate of Title Volume 6169 Folio 124 (*refer Attachment 2*).

The property is approximately 2 kilometres south from The Pines and is on the southern side of the intersection of Corny Point and Reo Roads. The extension of Reo Road north to the coast has a strip of small allotments in the Primary Production Zone which have been developed as residential allotments forming part of Couch Beach, the first of which is approximately 1.7 kilometres north of the subject land (*refer Attachment 1*).

The allotment is almost square in nature with an average length of around 1.4 kilometres, having frontage to both Corny Point and Reo Roads. The allotment is 199.5 ha in size with undulating terrain and pockets of vegetation.

The property has an existing single storey dwelling with associated shedding in the north-eastern corner approximately 10 metres from Reo Road and 50 metres from Corny Point Road. The shedding is somewhat closer to the public road than the dwelling. A large farm shed was approved in 2016 and is some 160 metres west of the dwelling.

Reo Road on the southern side of Corny Point Road is a lesser used unmade road which has not been developed to extend all the way through to Wurlie Road and ends in a couple of paddocks. Corny Point Road is a busier unmade road of reasonable quality and used with reasonable frequency.

The land is wholly within the Water Protection Zone in the General Bushfire Protection Area and has Primary Production zoned land to the north and west. Properties in the area appear to be generally used for cropping and grazing.

The nearby settlements of The Pines and Couch Beach are small seaside communities with many holiday shacks as well as permanent residents.

## **PUBLIC NOTIFICATION**

Dwellings in the Water Protection Zone are characterised as a non-complying form of development in the zone and is not listed as being Category 1 or Category 2 development for the purpose of public consultation under the relevant zone policies or Schedule 9 of the Development Regulations 2008.

Therefore, the proposal underwent the public notification process for Category 3 development as is prescribed under Section 38(2)(c) of the Development Act 1993.

Nil (0) representations were received.

## **CONSULTATION**

The proposed development is not listed in Schedule 8 of the Development Regulations, 2008. The application did not require referral.

## **ASSESSMENT**

### Determination of whether the application is seriously at variance

Pursuant to Section 35(2) of the Development Act 1993, the proposal has been assessed and is considered not to be seriously at variance with the Yorke Peninsula Council Development Plan consolidated 29 November 2018.

### Development Plan

The provisions of the Yorke Peninsula Development Plan consolidated 29 November 2018 applicable to the assessment of the proposed development are listed below.

### **Water Protection Zone Provisions**

Objectives: 1, 2, 3, 6

Principles of Development Control: 1, 2, 4, 8

### **General Section Provisions**

#### Design and Appearance

Objectives: 1

Principles of Development Control: 1, 2, 3, 4, 5, 6, 16, 19

#### Hazards

Objectives: 1, 2, 5

Principles of Development Control: 1, 2, 8, 9, 11, 13

Infrastructure

Objectives: 1

Principles of Development Control: 6

Natural Resources

Objectives: 1, 2, 5, 6, 7, 8, 10, 11, 12 & 13

Principles of Development Control: 1, 2, 4, 5, 6, 7, 8, 9, 10, 14

Orderly and Sustainable Development

Objectives: 1, 3

Principles of Development Control: 1, 2

Residential Development

Objectives: 1

Principles of Development Control: 1, 7, 8, 14, 15, 16, 18, 19, 20, 22, 24, 25, 30 & 35

Siting and Visibility

Objectives: 1

Principles of Development Control: 1, 2, 3, 4, 5, 7, 8

Transportation and Access

Objectives: 2

Principles of Development Control: 22, 23, 24, 28

Waste

Objectives: 1 & 2

Principles of Development Control: 1, 2, 3, 4, 5, 7, 10, 11, 13

**Table YoP/2 – Building Setbacks from Road Boundaries**

Water Protection Zone – 30 metres

***Water Protection Zone Provisions***

The policies of the zone seek to primarily protect surface and underground water resources from pollution, contamination or unsustainable uses. Given this, it is understood that dwellings are listed as a non-complying form of development in the zone to limit any negative impacts intensification may have on the land including associated wastewater systems which may lead to a degradation in water quality at increased levels.

However, the property in question already has a dwelling on the allotment as well as an associated wastewater system and the proposal only seeks to replace this dwelling and upgrade the existing wastewater system to meet current environmental standards. It is noted that an aerobic system is proposed to replace the existing trench system which will ensure that only treated effluent water is dispersed into the environment rather than raw sewerage.

***General Section Provisions - Design and Appearance***

The design principles of the Yorke Peninsula Council Development Plan seek to foster development which is articulated, having visual interest and elements to reduce the overall bulk and to assist it being sympathetic to the locality and the context of its setting. The external walls and roofs of buildings should not incorporate highly reflective materials and elevated buildings should not have the underside of the building higher than 1.2 metres above finished ground level as well as be enclosed.

The proposed dwelling will be clad in horizontal Colorbond Woodland Grey sheeting as well as have the same colour roof. This should go a long way in assisting the structure to better blend in with the surroundings and is a welcome amendment from white, which was originally proposed. The

building includes two verandahs with different roof lines and an upper level deck around the entire perimeter providing articulation.

The dwelling is raised higher than 1.2 metres above ground level but also includes an enclosed portion underneath making it more of a 2 storey dwelling. The open undercroft areas may be suitable for the parking of vehicles and other uses.

The setback requirement of 30 metres from a road boundary as per *Table YoP/2 – Building Setbacks from Road Boundaries* has not been met given the proposed setback of only 10 metres from Reo Road. However, the proposed location is the same location as the existing dwelling and Reo Road appears to be a no-through road with very little use thus limiting any potential impacts of a lesser setback.

#### **General Section Provisions – Hazards**

Development should be located and designed to minimise the threat and impact of bushfires on life and property.

The subject land is in a General Bushfire Protection Area and will need to be built according to the specifications of the *Minister's Code – Undertaking Development in Bushfire Protection Areas* and will form part of the building rules assessment. Should the proposal be granted approval, it is recommended that a planning condition be placed regarding the provision of the dedicated water supply for fire-fighting purposes shown on the plans.

#### **General Section Provisions - Infrastructure**

Rainwater tanks comprising a minimum of 45,000 litres are included in the proposal to provide an adequate on-site water storage system for the development in an area with no water supply as per the policies.

#### **General Section Provisions - Natural Resources**

Re-using stormwater, managing pollution and limiting the impact of development on native vegetation form the intent of many of the policies of this section.

The dwelling proposes water catchment to service the dwelling by way of rainwater tanks and whilst there is already some vegetation on the block, the Site Overlay plan (Sheet 15 of 15) indicates that additional native trees are to be planted.

Locating the new dwelling in the location of the old and using a pole home design should enhance the ability to build with minimal disturbance and modification of the natural landform.

#### **General Section Provisions – Orderly and Sustainable Development**

Land outside of townships should primarily be used for primary production and conservation purposes. The proposal simply replaces an already existing dwelling and does not jeopardise the continuing use.

#### **General Section Provisions - Residential Development**

The siting of the proposed dwelling is essentially on a large rural property with no need for the usual protections for private open space, overshadowing and the like. Being closer to Reo Road, the dwelling should provide adequate surveillance to this road but will also provide some to Corny Point Road and the surrounding area in general.

The entrance to the dwelling is not directly facing the road but the nature of the rural property is somewhat different to what might be expected in more densely populated areas such as townships. Sufficient room is available for all on-site parking and vehicle manoeuvring requirements with the existing driveways already in place.

#### **General Section Provisions - Siting and Visibility**

The policies of this section seek to minimise the visual impact of development on the landscape by encouraging low profiles and roof lines complementing the natural form using materials which will not detract from the visual character and amenity of the landscape. The location and design should also be such that the building is not readily visible against the skyline when viewed from public roads.

Whilst the proposal involves a two storey development, the undulating landscape and existing vegetation is successful at screening the view from the public road in a number of locations. The most obvious view will be on the approach travelling east along Corny Point Road. Even though it will become obvious on the skyline at certain points along this road, it is felt that the colour and large trees in the close vicinity of the dwelling will assist in reducing any negative impact. The existing farm shed is perhaps far more noticeable on the landscape. Both dwellings and farm buildings are not unusual to the area.

### ***General Section Provisions – Transportation and Access***

Development should have direct access from an all-weather public road as well as be safe and convenient for all vehicles including emergency service vehicles.

Access to the allotment will use already existing driveways and is from an unmade public road which should adequately allow for vehicles, including emergency service vehicles, to enter and exit in a forward direction.

### ***General Section Provisions - Waste***

As mentioned previously, the proposal seeks to upgrade the existing wastewater system to current environmental standards and proposes an aerobic system, ensuring that only treated effluent water is dispersed into the environment rather than raw sewerage. This will certainly improve the standard of wastewater disposal at this site and assist in protecting any ground water from contamination.

## **CONCLUSION**

Despite dwellings being non-complying in the Water Protection Zone, the proposal seeks to simply replace an already existing dwelling with another design and will not increase the number of dwellings on the allotment nor intensify the land use. In fact, a new wastewater system will be of some benefit given the technological advances of current wastewater disposal systems which will replace an older version of lesser quality.

The main variations of the proposal with the provisions of the Development Plan are in relation to the profile and siting of the dwelling on the landscape. However, it is felt that replacing the dwelling in the same location is not unreasonable and there is sufficient screening from the more utilised road of Corny Point Road. Where the dwelling is visible, the colour and surrounding taller vegetation should lessen any negative impact.

Therefore, when assessed against the relevant policies 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 on balance, satisfies the relevant provisions of the Development Plan.

The proposal is not harmful to the desired character of the zone and is not considered to have a detrimental impact upon the amenity of the adjoining properties in the locality. Accordingly, it is my conclusion that the proposal warrants the granting of Development Plan Consent subject to conditions of consent.

## **ATTACHMENTS**

- 1. Locality Plans & Photos**
- 2. Application & Certificate of Title**
- 3. Proposed Plans**
- 4. Delegated Authority Report**
- 5. Statement of Effect (Without Plans)**

**10 MATTERS DEFERRED****10.1 MATTER DEFERRED - 544/D002/2019 (544/1048/2019) - LACHMARDEN PTY LTD**

Document #: 19/112496

Department: Development Services

**PROPOSAL OUTLINE**

Author: Heidi Smith

Application No.: 544/D002/2019 (544/1048/2019)

Applicant: Kangaroo Island Surveyors

Owner: Lachmarden Pty Ltd

Development Proposal: Land Division

Lodgement Date: 13 February 2019

Subject Land: Lot 35 Hundred of Carribie – Marion Bay Road/ Gleesons Road/ West Coast Road, White Hut

Zone: Water Protection

Nature of Development: Non-Complying

Public Notification: Category 3

Representations: Nil

Referrals: Native Vegetation Council, State Commission Assessment Panel, SA Water

Development Plan Version: 29 November 2018

**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

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).

### EXECUTIVE SUMMARY

The proposal seeks to divide a parcel of land into two (2), creating one (1) additional allotment of 424.8 ha and leaving a balance of 851.1 ha. The intent of the division is to capture a large area of native vegetation located in the south-eastern corner on a separate title, whilst allowing the owners to consolidate the farming enterprise by on-selling the remaining portion of land for future farming. The family's larger farming operation is located near Maitland and Port Victoria and the allotment is some distance from the centre of farming operations.

The proposal has been assessed as non-complying development and underwent Category 3 Public Notification with nil representations.

The application was submitted to the Council Assessment Panel (CAP) at its meeting of 26 November 2019. Refer to previous agenda documents included as (*Attachment 1*).

At the 26 November meeting, the CAP resolved to DEFER consideration of the application seeking further information in the form of a Flora and Fauna Assessment Report and a copy of the Heritage Agreement.

Following the above resolution, the applicant provided a copy of two Bushland Condition Monitoring (BCM) Assessment Reports undertaken in 2010 and 2011 by Mick Durant, Senior Vegetation Consultant from Greening Australia for the SA Department of Environment and Heritage (*refer Attachments 2 and 3*) as well as a copy of the Heritage Agreement signed by the Minister (*refer Attachment 4*).

Additionally, the applicant also provided a copy of his 'Gold Member' certification in recognition of 20 years or more of association and support of the environment through Trees for Life (*refer Attachment 5*).

### DISCUSSION OF APPLICANTS RESPONSE

The BCM Assessment Reports document flora and fauna observations approximately a year apart in order to recommend and demonstrate bushland management strategies. It is noted that there was an increase in species diversity from 14 to 38 native plants in that time frame despite grazing pressures from a suggested over-population of kangaroos.

The Heritage Agreement places a number of obligations on the landholder in regards to the preservation of native vegetation and native fauna on the site and includes a mechanism to notify the Minister of any damage observed. It is noted that whilst the land owner is offered some reprieve

by way of rates and tax relief, should the landowner be in breach of the Agreement and fail to remedy the breach in accordance with the requirements of a notice, the aggregate value of the rates and taxes from payment of which the Owner (and very predecessor in the title of the Owner) has been relieved by virtue of the Agreement, must be paid by the Owner.

The Gold Member status awarded by Trees for Life further supports the owner's credentials in relation to conservation.

### **SUMMARY AND CONCLUSION**

The proposal for land division, whilst being non-complying in the zone, does not change what is already on the ground and ensures that a significant portion of remnant native vegetation remains in the ownership of a landowner with a demonstrated dedication to environmental conservation. The owner has taken steps to enter into a Heritage Agreement for the majority of the proposed additional allotment as well as undertaken conservation works in the past. Whilst there are additional obligations placed on the owner of the land now that the Heritage Agreement is in place, regulatory resources have at times historically translated into less than ideal monitoring of such agreements with much time and money spent on compliance matters. Therefore, an opportunity to retain a steward with such a commendable reputation should be highly regarded and considered an exception to the non-complying classification.

There may be some concern regarding the potential of future eco-hut accommodation for volunteers in the exclusion area from the Heritage Agreement but it must be emphasised that this application is for land division only and does not include the assessment or consideration of any future development which may or may not occur on the land, which would be assessed under the relevant policies and procedures at the time of lodgement. However, the additional report from the Native Vegetation Council was confident that there appeared to be at least three areas that would be suitable for a low impact development (eco-style accommodation) with minimal disturbance to the native vegetation present.

Therefore, when assessed against the relevant policies of the Development Plan, and having regard to the context of the locality and nature of the proposed development as well as the additional information provided, it is considered that the proposal, on balance, satisfies the relevant provisions of the Development Plan.

The proposal is not harmful to the desired character of the zone and is not considered to have a detrimental impact upon the amenity of the adjoining properties in the locality. Accordingly, it is my conclusion that the proposal warrants the granting of Development Plan Consent subject to conditions of consent.

### **ATTACHMENTS**

- 1. CAP Report from November 2019 Meeting**
- 2. Flora and Fauna Report 2010**
- 3. Flora and Fauna Report 2011**
- 4. Heritage Agreement**
- 5. Trees for Life Gold Member Recognition**



**11 ERD COURT MATTERS****544/1059/2019 Spartan Plans and Building Services (expansion of the Port Vincent Caravan Park).**

The ERDC appeal in the matter between Graham and Elizabeth Cowell and Yorke Peninsula Council and Spartan Plans & Building Services, the Court considered issues raised by the Appellant. Those issues primarily revolved around visual and noise impacts on the amenity of Curramulka Road residents.

The Amendments agreed to (for the proposal) by the Appellants included:

- Reducing the size of the development by removing caravan/tent sites along Curramulka Road;
- Erection of a Colorbond fence internal to the site, being 32 metres setback from Curramulka Road bordering the 9 caravan sites as per the amended plans; and
- Inclusion of acoustic housing to accommodate portable generators for use with the unpowered caravan sites.

The ERD Court allowed the appeal and issued a consent order for a varied Development Plan consent with varied and additional conditions.

**12 CONCURRENCE APPROVALS**

Concurrence received from SCAP;

- 544/1211/2019 – Port Julia Marine - Change of Use of building to motor repair and associated shop (presented at the October 2019 CAP meeting).
- 544/1143/2019 – Selecta Homes & Building Co (Harris & Kellaway) – Dwelling (non-complying) at 29 Parade, Port Clinton (presented at the November 2019 CAP meeting).

## 13 PROCEDURAL MATTERS

### 13.1 APPOINTMENT OF ACTING PRESIDING MEMBER

**Document #:** 20/2284

**Department:** Development Services

#### PURPOSE

For the Council Assessment Panel to appoint an Acting Presiding Member for the new two year term and endorse the Council Assessment Panel Meeting Procedures.

#### RECOMMENDATION

That the Council Assessment Panel:

1. appoint..... as the Acting Presiding Member for the two term commencing January 2020 and concluding January 2022.
2. endorse the Council Assessment Panel Meeting Procedures as presented in Attachment 1.

#### DISCUSSION

The Council Assessment Panel (CAP) two year term commences January 2020 and concludes January 2022. At the 11 December 2019 Council meeting Council endorsed the Terms of Reference (Attachment 2) and PO127 Council Assessment Panel Delegations Policy (Attachment 3) and appointed the following positions;

- Presiding Member - Mrs Debra Agnew
- Independent Members - Mr Ben Green, Ms Elinor Walker and Mr Peter Allen
- Elected Member – Mr Jeffery Cook
- Deputy Elected Member - Mr John Rich

As per the Terms of Reference, in the event the Presiding Member is absent from the meeting (or part thereof), the CAP is required to appoint an Independent Member as Deputy Chair.

The Meeting Procedures are to be endorsed by the CAP at the commencement of each two year term.

The Code of Conduct (Attachment 4) sets out standards of conduct and professionalism that are to be observed by all members of assessment panels under the PDI Act 2016.

#### ATTACHMENTS

1. Meeting Procedures
2. Terms of Reference
3. PO127 Council Assessment Panel Delegations Policy
4. Code of Conduct

**14 NEXT MEETING**

Tuesday 25 February 2020

**15 CLOSURE**