



# **MINUTES**

## **Council Assessment Panel Meeting**

(Subject to confirmation)

**31 January 2020**

**MINUTES OF YORKE PENINSULA COUNCIL  
COUNCIL ASSESSMENT PANEL MEETING  
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,  
MINLATON  
ON FRIDAY, 31 JANUARY 2020 AT 9.30AM**

**1 WELCOME BY PRESIDING MEMBER**

Presiding Member Debra Agnew welcomed everyone to the meeting and declared the meeting open at 9.33am.

**2 PRESENT**

Presiding Member Debra Agnew, Independent Member Elinor Walker, Independent Member Ben Green, Independent Member Peter Allen, Mr John Rich

**In Attendance**

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

**3 GALLERY**

4 People

**4 APOLOGIES**

Mr Jeffery Cook

**5 LEAVE OF ABSENCE**

Nil

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

**COMMITTEE RESOLUTION**

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

That the minutes of the Council Assessment Panel Meeting held on 26 November 2019 be confirmed noting a correction Mr Jeffery Cooks name on page 3 of the Minutes.

**CARRIED 001/2020 (31/01/2020)**

**7 CONFLICT OF INTEREST**

Presiding Member 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 10.1 - Lachmarden Pty Ltd – John Outhred - Applicants Planning Consultant

Item 10.1 - Lachmarden Pty Ltd – Jamie Smith - Applicant

**REPORTS**

## 9 DEVELOPMENT APPLICATIONS

### 9.1 544/1135/2019 - T & A RUSSELL

#### PROPOSAL OUTLINE

<b>Author:</b>	Heidi Smith
<b>Application No.:</b>	544/1135/2019
<b>Applicant:</b>	Stuart Palecek
<b>Owner:</b>	T & A Russell
<b>Development Proposal:</b>	Demolish Existing Dwelling; Two Storey Dwelling, Deck and Verandah
<b>Lodgement Date:</b>	11 April 2019
<b>Subject Land:</b>	(Sec 156) 254 Reo Road, The Pines
<b>Zone:</b>	Water Protection
<b>Nature of Development:</b>	Non-Complying
<b>Public Notification:</b>	Category 3
<b>Representations:</b>	Nil
<b>Referrals:</b>	Nil
<b>Development Plan Version:</b>	29 November 2018

Discussion ensued and the Panel were in agreement to the addition of Condition #7 and #8 regarding requirements for landscaping and colour scheme.

#### COMMITTEE RESOLUTION

Moved: Independent Member Ben Green

Seconded: Mr John Rich

- 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.
- 7. A landscaping plan detailing the location and types of plants, shrubs and trees to be planted to assist in softening the view of the elevated dwelling from the road and Corny Point Road in particular, shall be submitted to and approved by Council, prior to obtaining Development Approval. Landscaping detailed in the plan shall be of native species and planted within 3 months of occupation and maintained in good health and condition at all times. Natural Resources, Northern and Yorke can be contacted for advice on specific species suitability.
- 8. The exterior cladding of the building shall be of subdued colours such as the nominated Woodland Grey to blend in with the natural landscape to the satisfaction of Council.

**CARRIED 002/2020 (31/01/2020)**

**10 MATTERS DEFERRED****10.1 MATTER DEFERRED - 544/D002/2019 (544/1048/2019) - LACHMARDEN 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 2018</b>

Presiding Member Debra Agnew invited the Applicant Jamie Smith and the Applicants Planning Consultant John Outhred to address the Panel.

John Outhred addressed the Panel in support of the Application and answered questions from the Panel.

Jamie Smith addressed the Panel in support of the Application and answered questions from the Panel.

Discussion ensued.

*Moved: Independent Member Elinor Walker*

*That the matter be deferred.*

*Motion Lapsed for Want of a Seconder*

Further discussion ensued and the Panel were in Agreement to the addition of Condition #5, for a Land Management Agreement to be negotiated between the owner and Council to preserve and conserve the vegetation linkage to support the biodiversity corridor between the Heritage Agreement and the Conservation Park.

**COMMITTEE RESOLUTION**

Moved: Mr John Rich

Seconded: Independent Member Ben Green

- 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.**
- 5. A Land Management Agreement between the Yorke Peninsula Council and the Owner regarding the on-going preservation and conservation of the vegetation corridor on Allotment 58 linking Allotments 59 (Heritage Agreement Area) and 102 (Thidna Conservation Park) shall be entered into prior to the issue of the Section 51 Certificate under the Development Act.**

**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).

**CARRIED 003/2020 (31/01/2020)**

## 11 ERD COURT MATTERS

The Panel were advised of:

### **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

The Panel were advised of the following 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 at the November 2019 CAP meeting).

## 13 PROCEDURAL MATTERS

### 13.1 APPOINTMENT OF ACTING PRESIDING MEMBER

#### 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.

#### COMMITTEE RESOLUTION

Moved: Independent Member Elinor Walker

Seconded: Independent Member Peter Allen

That the Council Assessment Panel:

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

**CARRIED 004/2020 (31/01/2020)**



**14 NEXT MEETING**

Tuesday 25 February 2020

**15 CLOSURE**

The Meeting closed at 11.16am.

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

.....  
**CHAIRPERSON**