



MINUTES

Council Assessment Panel Meeting

(Subject to confirmation)

24 March 2020

**MINUTES OF YORKE PENINSULA COUNCIL
COUNCIL ASSESSMENT PANEL MEETING
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,
MINLATON
ON TUESDAY, 24 MARCH 2020 AT 9.30AM**

1 WELCOME BY PRESIDING MEMBER

Presiding Member Debra Agnew welcomed everyone to the meeting and declared the meeting open at 9.45am.

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), Mick Cartwright (Manager Development Services), Susan Hadley (Planning Officer), Jodie Terp (Planning Officer), Maddy Pulling (Minute Secretary).

3 GALLERY

Four People

4 APOLOGIES

Nil

5 LEAVE OF ABSENCE

Mr Jeffrey Cook

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 31 January 2020 be confirmed.

CARRIED 010/2020 (24/03/2020)

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.

Independent Member Peter Allen declared an Actual Conflict of Interest with Report Item 9.2 544/1346/2018 P Phillips C/- Town Planning HQ Pty Ltd due to his involvement with application

within his role as a Senior Coastal Planner at the Coast and Marine Branch and advised that he would leave the Chamber at the time of the report being discussed.

8 VISITORS TO THE MEETING

Item 9.3 – Applicant Melissa Kenny – 544/1370/2019 – S Palecek (Kenny) – 1121 Graham Road Maitland.

Item 9.4 – on behalf of Applicant (Bill McFarlane), Susan Thompson – 544/1096/2018 – Construction Services Australia Pty Ltd (McFarlane) – Black Point.

REPORTS**9 DEVELOPMENT APPLICATIONS****9.1 544/1221/2019 - TELSTRA C/- AUERCON AUSTRALASIA PTY LTD - WAROOKA****PROPOSAL OUTLINE**

Author:	Adam Williams – Access Planning
Application No.:	544/1221/2019
Applicant:	Telstra C/- Aurecon Australasia Pty Ltd
Owner:	Harward Properties Pty Ltd
Development Proposal:	50m Telecommunications Tower & Associated Infrastructure
Lodgement Date:	21 June 2019
Subject Land:	(PTL 2) 600 Cant Road, Warooka
Zone:	Primary Production
Nature of Development:	Merit
Public Notification:	Category 3
Representations:	1 Opposing
Referrals:	Nil
Development Plan Version:	29 November 2018

COMMITTEE RESOLUTION

Moved: Independent Member Elinor Walker
Seconded: Mr John Rich

That Development Application 544/1221/2019, for a Telstra telecommunications facility at 600 Cant Road, Warooka, is not seriously at variance with the Yorke Peninsula Council Development Plan, Consolidated 29 November 2018.

That Development Plan Consent for application 544/1221/2019, for a Telstra telecommunications facility at 600 Cant Road, Warooka, be granted, subject to the following conditions:

- A. 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 21st June 2019.**
- B. The existing Telstra lattice tower, panels/antennas and associated equipment (i.e. cable tray, fibre pit and equipment shelter) held on allotment 871 of filed plan 195483 as contained in Volume 5849 Folio 436 shall be decommissioned and removed from the land upon the new facility being constructed.**

CARRIED 011/2020 (24/03/2020)

9.50am Independent Member Peter Allen declared an Actual Conflict of Interest with report 9.2 544/1346/2018 due to his dealings with the Applicant in his role as a Coastal Planner with the Coast and Marine Branch and left the Chamber.

9.2 544/1346/2018 - P PHILLIPS C/- TOWN PLANNING HQ PTY LTD**PROPOSAL OUTLINE**

Author: Heidi Smith / Jodie Terp
Application No.: 544/1346/2018
Applicant: P Phillips C/- Town Planning HQ Pty Ltd
Owner: P W Phillips
Development Proposal: Detached Dwelling, Decking and Verandah
Lodgement Date: 28 September 2018
Subject Land: (Lot 7) 1689 Gleesons Road White Hut (Hd Carribie)
Zone: Coastal Conservation
Nature of Development: Non-complying
Public Notification: Category 3
Representations: Nil
Referrals: Coast Protection Board, Country Fire Service
Development Plan Version: 31 October 2017

Discussion ensued and the Panel were in agreement that further information be sought from the Applicant in regards to a land contour report, flora and fauna assessment and environmental management plans.

COMMITTEE RESOLUTION

Moved: Independent Member Ben Green
Seconded: Mr John Rich

That a decision on Development Application 544/1346/2018 by P Phillips c/- Town Planning HQ Pty Ltd be DEFERRED until further information is sought for consideration by the Panel.

CARRIED 012/2020 (24/03/2020)

10.19am Independent Member Peter Allen returned to the Chamber.

9.3 544/1370/2019 - S PALECEK (KENNY) - 1121 GRAHAM ROAD MAITLAND (HD CUNNINGHAM)**PROPOSAL OUTLINE**

Author: Susan Hadley
Application No.: 544/1370/2019
Applicant: Stuart Palecek
Owner: M and M Kenny (VK Rowntree)
Development Proposal: Demolition of existing dwelling & new detached dwelling
Lodgement Date: 17/10/2019
Subject Land: 1121 Graham Road MAITLAND (Hd Cunningham)
Zone: Primary Production Zone
Nature of Development: Non-complying
Public Notification: Category 3
Representations: Nil
Referrals: Nil
Development Plan Version: 29 November 2019

10.20am Applicant Melissa Kenny addressed the Panel and spoke in favour of the application and concluded at 10.25am.

COMMITTEE RESOLUTION

Moved: Independent Member Peter Allen

Seconded: Mr John Rich

- A. That Development Application 544/1370/2019 for demolition of an existing dwelling (retrospective) and construction of a single storey detached dwelling (Non-complying) at 1121 Graham Road, Section 176, Maitland (CT 5315/497) is not seriously at variance with the Yorke Peninsula Council Development Plan, Consolidated 29 November 2018.**
- B. That the Panel resolve to GRANT Development Plan Consent subject to conditions to Development Application 544/1370/2019 which seeks approval for demolition of an existing dwelling (retrospective) and construction of a single storey detached dwelling (Non-complying) at 1121 Graham Road, Section 176, Maitland (CT 5315/497) and that the concurrence of the State Commission Assessment Panel is sought.**

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. 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.**
- 3. Development in a general or medium bushfire prone area shall:**
 - Have a dedicated firefighting water supply of at least 5,000 litres to comply with Ministers Specification SA 78.**
 - Ensure that gaps between the dwelling floor and the ground are enclosed to prevent burning debris from entering.**
 - Be located and designed to minimise risk from bushfires.**
 - Have access roads and tracks that are appropriately designed and built for entry and exit of vehicles, including fire fighting vehicles, during a fire.**
- 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.**

Notes:

- 1. 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.**

CARRIED 013/2020 (24/03/2020)

9.4 544/1096/2018 - CONSTRUCTION SERVICES AUSTRALIA PTY LTD (MCFARLANE) - BLACK POINT**PROPOSAL OUTLINE**

Author: Access Planning – David Hutchison
Application No.: 544/1096/2018
Applicant: Construction Services Australia Pty Ltd
Owner: WR McFarlane
Development Proposal: Two Storey Dwelling with verandah and balcony and retrospective consent for earthworks
Lodgement Date: 6/04/2018
Subject Land: Allotment 9 Black Point Drive, Black Point
Zone: Settlement Zone
Nature of Development: Merit
Public Notification: Category 3
Representations: 2
Referrals: Nil
Development Plan Version: 31 October 2017

10.30am Susan Thompson (on behalf of Bill McFarlane) addressed the Panel and spoke in favour of the application and concluded at 10.35am.

COMMITTEE RESOLUTION

Moved: Independent Member Ben Green

Seconded: Independent Member Peter Allen

- A. That Development Application 544/1096/18, that seeks to construct a two storey dwelling with verandah and balcony as well as retrospective consent for earthworks (filling of site up to 3 metres) at Allotment 9 Black Point Drive, Black Point, is not seriously at variance with the District Council of Yorke Peninsula Council Development Plan, Consolidated 31 October 2017.**
- B. That Development Plan Consent to Development Application 544/1096/18, that seeks to construct a two-storey dwelling with verandah and balcony as well as retrospective consent for earthworks (filling of site up to 3 metres) at Allotment 9 Black Point Drive, Black Point, be REFUSED Provisional Development Plan Consent as the development fails to meet the following provisions of the development plan:**

Settlement Zone

Objective 4

Desired Character Statement

Principles 6, 15

Black Point Policy Area 3

Objectives 5

Principles 6, 10, 11, 12

Table YoP/5 Black Point Design Guidelines

5.1-5.3 & 6.9,

Design & Appearance

Principle 1

Interface between Land Uses

Objective 1

Principles 2, 3

Residential Development

Principle 19

Sloping Land

Principle 1

CARRIED 014/2020 (24/03/2020)

10 MATTERS DEFERRED

Nil

11 ERD COURT MATTERS

DA 544/1059/2019 – Port Vincent caravan Park (Spartan Plans and Building Services) – consent order issued.

12 CONCURRENCE APPROVALS

Nil

13 PROCEDURAL MATTERS

Assessment Manager Roger Brooks, advised under the restrictions in place for social distancing (COVID19) that meetings for the coming months will be via Zoom, subject to regulations being amended.

Presiding Member Debra Agnew welcomed Mick Cartwright back after returning from extended leave, welcomed Planning Officer Jodie Terp and acknowledged the work and recent departure of Planning Officer Heidi Smith.

14 NEXT MEETING

Tuesday 28 April 2020

15 CLOSURE

The Meeting closed at 11.10am.

The minutes of this meeting were confirmed at the Council Assessment Panel Meeting held on 28 April 2020.

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CHAIRPERSON