



# **MINUTES**

## **Council Assessment Panel Meeting**

(Subject to confirmation)

**26 May 2020**

**MINUTES OF YORKE PENINSULA COUNCIL  
COUNCIL ASSESSMENT PANEL MEETING  
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,  
MINLATON  
ON TUESDAY, 26 MAY 2020 AT 9.30AM**

**1 WELCOME BY PRESIDING MEMBER**

Presiding Member Debra Agnew welcomed everyone to the meeting and declared the meeting open at 9.31am.

Presiding Member Debra Agnew acknowledged the recent passing of Councillor Jeff Cook. Assessment Manager Roger Brooks paid tribute to Jeff and his long and extensive career in Local Government.

**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), Michael Cartwright (Manager Development Services), Dusting Guthberg (Development Officer), Susan Hadley (Planning Officer), Jodie Terp (Planning Officer), Maddy Pulling (Minute Secretary)

**3 GALLERY**

Three people

**4 APOLOGIES**

Nil

**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 24 March 2020 be confirmed.

**CARRIED 015/2020 (26/05/2020)**

**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

Marie Pedlar in relation to report 544/1200/2017 J&M Pedlar – Detached Dwelling and Rainwater Tanks (Retrospective)

Applicants Planning Consultant in relation to report 544/1453/2019 J Packer C/- BGK Contech

James Levinson from Botten Levinsons Lawyers requested to be heard via a phone link in relation to ERD Court Matters reports;

- 544/1207/2018 – Compromise Proposal For Variation to Existing Garage and report
- 544/1208/2018 – Compromise Proposal for Variation to Existing Dwelling

## REPORTS

### 9 DEVELOPMENT APPLICATIONS

#### 9.1 544/1365/2019 - OUTHRED ENGLISH & ASSOCIATES PTY LTD (COOK) - KOOLYWURTIE

#### PROPOSAL OUTLINE

Author:	Adam Williams - Access Planning Pty Ltd
Application No.:	544/1365/2019
Applicant:	Outhred English & Associates Pty Ltd
Owner:	AP Cook
Development Proposal:	Convert existing dwelling to workers accommodation & new dwelling (Non-complying)
Lodgement Date:	10 October 2019
Subject Land:	Lot 101, 173 Didlyamulka Road, Koolywurtie
Zone:	Primary Production Zone
Nature of Development:	Non-complying
Public Notification:	Category 3
Representations:	Nil
Referrals:	Nil
Development Plan Version:	29 November 2019

*Discussion ensued and the Panel were in agreement to the addition of a Note to the Recommendation in relation to the Land Management Agreement and the future intent for sub division and rewording Condition #3 in regards to obtaining the necessary approvals for a waste control system.*

#### COMMITTEE RESOLUTION

Moved: Mr John Rich

Seconded: Independent Member Peter Allen

- A. That Development Application 544/1365/2019 to construct a single storey detached dwelling and conversion of existing dwelling to a workers' accommodation dwelling**

at 173 (Lot 101) Didlyamulka Road, Koolywurtie is not seriously at variance with the Yorke Peninsula Council Development Plan, Consolidated 29 November 2018.

- B. That following consideration and having regard to all relevant matters concerning the proposal to construct a single storey detached dwelling and conversion of existing dwelling to a workers' accommodation dwelling at (Lot 101) 173 Didlyamulka Road, Koolywurtie 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 development approved herein shall be carried out and completed in accordance with the approved plans and documents submitted with and forming part of Development Application No. 544/1365/2019, except where minor amendments may be required by other relevant Acts, or by the conditions imposed on this consent.
2. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; and not flow across property boundaries and onto the adjoining road
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. The driveway and car parking areas shall be maintained in suitable condition at all times to facilitate all weather vehicle movement
5. The new dwelling and the workers accommodation dwelling shall have a dedicated water storage capacity of no less than 2000 litres dedicated to firefighting purposes.
6. The new dwelling approved herein shall be connected to an adequate and reliable on-site water storage system having a capacity of at least 10 000 litres which should be:
  - a) connected to and trickle fed from the reticulated water supply at a rate of not less than 2.5 litres per minute
  - b) used in connection with an on-site pump of sufficient capacity to reticulate water to a dwelling and throughout the site generally
  - c) interconnected to a roof collection rainwater system that is subject to the installation of a residential dual check valve in compliance with *Australian Standard AS 2845: Water supply - Backflow prevention devices - Materials, design and performance requirements*.
7. The existing dwelling shall be occupied as a workers' accommodation dwelling for a person such as a manager, worker or relative who is in fulltime

employment in the farming enterprise on the land or in partnership in that enterprise only.

8. The workers' accommodation activities approved herein shall be run in conjunction with the existing farm operation on the land (including the associated dwelling) and shall not be used in separate occupation on the subject land.
9. The Land Management Agreement provided with the development application shall be formalised with Council and registered by the Applicant against the Certificate of Title of the subject land prior to Development Approval being issued by the Council.

**Note:**

Council is unlikely to support any future proposal for subdivision of the allotment to facilitate excising the new dwelling or workers accommodation.

CARRIED 016/2020 (26/05/2020)

**9.2 544/1200/2017 - J & M PEDLAR - DETACHED DWELLING & RAINWATER TANKS (RETROSPECTIVE)**

**PROPOSAL OUTLINE**

<b>Author:</b>	David Hutchison – Access Planning
<b>Application No.:</b>	544/1200/2017
<b>Applicant:</b>	S Palecek
<b>Owner:</b>	J & M Pedlar
<b>Development Proposal:</b>	Detached Dwelling & Rainwater Tanks (Retrospective)
<b>Lodgement Date:</b>	24 May 2017
<b>Subject Land:</b>	Pieces 8 and 9 Hundred of Coonarie, Warooka (Lot 8 Happy Valley Road, Foul Bay)
<b>Zone:</b>	Primary Production
<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>	26 November 2015

**COMMITTEE RESOLUTION**

Moved: Independent Member Elinor Walker  
Seconded: Independent Member Peter Allen

- A. That Development Application 544/1200/2017 to construct a single storey detached dwelling with associated rainwater tanks, site works and clearance of native vegetation at Lot 8 Happy Valley Road, Foul Bay is not seriously at variance with the Yorke Peninsula Council Development Plan, consolidated 26 November 2015.**

**B. That using the powers delegated to it the Council Assessment Panel resolve to REFUSE Development Plan Consent to Development Application 544/1200/2017 which seeks retrospective approval to construct a single storey detached dwelling with associated rainwater tanks, site works and clearance of native vegetation at Lot 8 Happy Valley Road, Foul Bay as the proposal is considered to be at variance with the following Objectives and Principles of Development Control for the Yorke Peninsula Council Development Plan:**

**Primary Production Zone**

Objective 6

Desired Character Statement

Principle of Development Control 10

**Interface between Land Uses**

Objectives 1 & 2

Principle of Development Control 2 & 15

**Natural Resources**

Objective 1, 8 & 9

Principle of Development Control 26, 27, 28, 30 (d) (e), 31, 32 (a) (b)

**CARRIED 017/2020 (26/05/2020)**

**9.3 544/1453/2019 - J PACKER C/- BGK CONTECH****PROPOSAL OUTLINE**

<b>Author:</b>	<b>Jodie Terp</b>
<b>Application No.:</b>	<b>544/1453/2019</b>
<b>Applicant:</b>	<b>J Packer c/- BGK Contech</b>
<b>Owner:</b>	<b>D Thomas</b>
<b>Development Proposal:</b>	<b>Demolition of existing Dwelling New Two-Storey Detached Dwelling &amp; Stone Retaining Walls</b>
<b>Lodgement Date:</b>	<b>20 December 2019</b>
<b>Subject Land:</b>	<b>(Lot 4) 4 Burford Road Corny Point</b>
<b>Zone:</b>	<b>Settlement</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>Nil</b>
<b>Development Plan Version:</b>	<b>29 November 2018</b>

*Peter Allen advised the Panel that he has met with the Applicant in his position working at the Coast and Marine Branch to discuss site levels and amended drawings and advised that he did not consider this to be a conflict of interest.*

*Discussion ensued and the Panel were in agreement to the addition of a Note to the Recommendation in relation to sea flooding and risk mitigation.*

**COMMITTEE RESOLUTION**

Moved: Independent Member Ben Green

Seconded: Mr John Rich

- A. That Development Application 544/1453/2019 for the Demolition of existing Dwelling New Two-Storey Detached Dwelling & Stone Retaining Walls at Lot 4, 4 Burford Road, Corny Point 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 existing Dwelling New Two-Storey Detached Dwelling & Stone Retaining Walls at Lot 4, 4 Burford Road, Corny Point 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. 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. 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.
4. 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.
5. 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.
6. Excavation and construction shall be carried out in a manner which minimises environmental impacts on the coastal landform.
7. Any imported substrate material or engineered fill shall be free of weeds and pathogens to ensure that noxious weed or contamination sources are not introduced into the coastal environment.
8. The plants comprising the landscaping shall be maintained in a healthy condition with dead and diseased plants being promptly replaced.
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.

**Note:**

Based upon current knowledge and information the development and development site is at some risk of coastal erosion and inundation due to extreme tides notwithstanding any recommendations or advice herein, or may be a future risk. Neither erosion nor the effect of sea level change on this can be predicted with certainty. Also, mean sea level may rise by more than the 0.3 metres assumed in assessing this application. Accordingly, neither the Yorke Peninsula Council nor any of its servants, agents or officers accepts any responsibility for any loss of life and property that may occur as a result of such circumstances.

**CARRIED 018/2020 (26/05/2020)**

**10 MATTERS DEFERRED**

Nil



**11 ERD COURT MATTERS****11.1 544/1207/2018 - COMPROMISE PROPOSAL FOR VARIATION TO EXISTING GARAGE****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:** N/A  
**Referrals:** N/A  
**Development Plan Version:** 31 October 2017

*10.40am James Levinson from Botten Levinson Lawyers was contacted by phone whereby he addressed the Panel and spoke in support of the compromise proposal for the variation to existing garage.*

*10.45am James Levinson concluded his address.*

**COMMITTEE RESOLUTION**

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

**That the matter be DEFERRED pending legal clarification on the meaning of Clause 2.7, Black Point Design Guidelines Table YOP/5 of the Yorke Peninsula Development Plan.**

**CARRIED 019/2020 (26/05/2020)**

**11.2 544/1208/2018 - COMPROMISE PROPOSAL FOR VARIATION TO EXISTING DWELLING****PROPOSAL OUTLINE**

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

*10.45am James Levinson from Botten Levinson Lawyers was contacted by phone whereby he addressed the Panel and spoke in support of the compromise proposal for the variation to existing dwelling.*

*10.56am James Levinson concluded his address and the phone call concluded.*

**COMMITTEE RESOLUTION**

Moved: Independent Member Peter Allen  
Seconded: Independent Member Elinor Walker

**That the matter be DEFERRED pending advice from Crown Lands regarding the retrospective use of Crown Land adjacent Lot 32, Black Point Drive, Black Point.**

**CARRIED 020/2020 (26/05/2020)**

**12 CONCURRENCE APPROVALS**

Nil

**13 PROCEDURAL MATTERS**

**13.1 MEETING PROCEDURES**

**PURPOSE**

The State Government has made emergency amendments to the Development Regulations 2008 for Assessment Panel meetings to occur by electronic means.

**COMMITTEE RESOLUTION**

Moved: Mr John Rich  
Seconded: Independent Member Peter Allen

**That the Council Assessment Panel endorse the Meeting Procedures in accordance with COVID-19 Development (Public Health Emergency) Variation Regulations 2020 to allow the Council Assessment Panel meetings to be undertaken electronically (via Zoom Video Conferencing) if deemed necessary by the Assessment Manager.**

**CARRIED 021/2020 (26/05/2020)**

**14 NEXT MEETING**

Planning Officer Susan Hadley advised the Panel that an Appeal Notice had been received in regards to 544/1096/2018 WR Mc Farlane, Black Point Drive, Black Point.

Next meeting - 30 June 2020

**15 CLOSURE**

**The Meeting closed at 11.29am.**

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

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**CHAIRPERSON**