MINUTES

Council Assessment Panel Meeting

(Subject to confirmation)

27 April 2021

MINUTES OF YORKE PENINSULA COUNCIL
COUNCIL ASSESSMENT PANEL MEETING
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET, MINLATON
ON TUESDAY, 27 APRIL 2021 AT 9.30AM

1 WELCOME BY PRESIDING MEMBER

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

2 PRESENT

Presiding Member Debra Agnew, Independent Member Ben Green, Mr John Rich

In Attendance

Roger Brooks (Assessment Manager), Jodie Terp (Manager Development), Georgina Halman (Planning Officer) Maddy Pulling (Minute Secretary)

3 GALLERY

12 people present in the Gallery including the CEO Andrew Cameron, Mayor Darren Braund and Operations Manager Stephen Goldsworthy

4 APOLOGIES

Independent Member Elinor Walker and Independent Member Peter Allen

5 LEAVE OF ABSENCE

Nil

6 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

RESOLUTION

Moved: Independent Member Ben Green
Seconded: Mr John Rich

That the minutes of the Council Assessment Panel Meeting held on 8 December 2020 be confirmed.

CARRIED 001/2021 (27/04/2021)

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 a Perceived Conflict of Interest with Item 9.1 544/1117/2020 Yorke Peninsula Council and provided the following explanation and was an apology to the meeting;

The Coast Protection Board has directly supported the proposed development through funding under its *Regional Coast Protection Grants* scheme, with reference to its Policies which support the mitigation of a sea flood hazard risk for the site. It could be perceived that as a delegate of the Board for the assessment of development applications, I may have an interest or bias towards supporting the proposed development at the CAP. I note that S75(5) of the Act describes that avoidance of the meeting is not the only course of action for dealing with a COI, however as a precautionary approach I have determined it to be in the best interests of myself and Council to abstain from this item, particularly given public representations against the proposal.

CONFLICT OF INTEREST DECLARATION	
Disclosure of [type] of Conflict of Interest being declared	Perceived
Elected/Independent Member Name	Peter Allen
Matter to be discussed (*Agenda Item #)*	9.1
Nature of the Interest *(as described by the Member)*	As per Section 2 of this form above
Manner in which the Member addressed the Actual or Perceived Conflict of Interest	Abstain from discussing or voting on the item, not attend the CAP meeting
If the Member voted on the matter, the manner in which he or she voted	N/A
The manner in which majority of persons who were entitled to vote at the meeting voted on the matter	

Independent Member Peter Allen Declared an Actual Conflict of Interest with Item 10.1 544/1346/2018 P Phillips c/- Town Planning HQ Pty Ltd and provided the following explanation was an apology to the meeting;

Prior to my appointment on the CAP, as a DEW Planner and delegate of the Coast Protection Board I had engaged in discussions with the applicant's planning consultant on several occasions, in an effort to ameliorate some of the Board's concerns with the application, and had discussed the proposal with other DEW representatives. Given my earlier direct involvement in the assessment of the proposal, as a referred application to the Coast Protection Board, I deem that I have a direct COI and will abstain from consideration of this item before the CAP.

CONFLICT OF INTEREST DECLARATION	
Disclosure of [type] of Conflict of Interest being declared	Actual
Elected/Independent Member Name	Peter Allen
Matter to be discussed (*Agenda Item #)*	10.1
Nature of the Interest *(as described by the Member)*	As per Section 2 of this form above
Manner in which the Member addressed the Actual or Perceived Conflict of Interest	Abstain from discussing or voting on the item, not attend the CAP meeting
If the Member voted on the matter, the manner in which he or she voted	N/A
The manner in which majority of persons who were entitled to vote at the meeting voted on the matter	

8 VISITORS TO THE MEETING

Representors in relation to Report Item 9.1 - 544/1117/2020 Yorke Peninsula Council

- Mr Raymond Ambler on behalf of Mrs Kim Eig and Mr David Eig, Mr Scott Ambler, Mrs Joylene Ambler, Mrs Karen Ambler
- Mrs Rena Hoare
- Mr Michael Myles

Respondent from Yorke Peninsula Council

- Mr Stephen Goldsworthy

Visitors in relation to Report Item 10.1 - 544/1346/2018 – P Phillips C/- Town Planning HQ Pty Ltd

- Applicant Mr Peter Phillips
- Applicant's Planning Consultant Angela Davison (Town Planning HQ Pty Ltd)
- Applicant's Architect Peter Cittadini

REPORTS

9 DEVELOPMENT APPLICATIONS

9.1 544/1117/2020 - YORKE PENINSULA COUNCIL

PROPOSAL OUTLINE

Author:	**Georgina Halman**
Application No.:	**544/1117/2020**
Applicant:	**Yorke Peninsula Council**
Owner:	**Crown Land under the care, control and management of Yorke Peninsula Council**
Development Proposal:	**Coast Protection Works consisting of: Levee Banks & Adjustment to Rock Wall**
Lodgement Date:	**4 May 2020**
Subject Land:	**8 Cumberland Road, Lots 7, 10, 14 & 18 Manwurta Street PORT CLINTON 5570**
Zone:	**Coastal Conservation and Coastal Open Space**
Nature of Development:	**Merit**
Public Notification:	**Category 3**
Representations:	**4**
Referrals:	**Coast Protection Board**
Development Plan Version:	**Yorke Peninsula Council Development Plan (consolidated 29 November 2018)**
Development Legislation:	**Development Act 1993**

9.33am Representor Mr Raymond Ambler addressed the Panel raising concerns with the application.

9.41am Mr Raymond Ambler concluded his address to the Panel.

The Panel asked questions of Mr Raymond Ambler and sought clarification to his concerns.

9.41am Mrs Rena Hoare addressed the Panel and spoke against the proposal.

9.46am Mrs Rena Hoare concluded her address to the Panel.

The Panel asked questions of Mrs Rena Hoare and sought clarification to her concerns.

9.48am Mr Michael Myers addressed the Panel and spoke against the proposal.

9.55am Mr Michael Myers concluded his address to the Panel.

The Panel asked questions of Mr Michael Myers and sought clarification to his concerns.

9.55am Respondent Mr Stephen Goldsworthy addressed the Panel and spoke in response to concerns raised by the Representors.

10.04am Mr Stephen Goldsworthy concluded his address to the Panel.

The Panel asked Mr Stephen Goldsworthy questions in relation to the application to assist in addressing issues raised by the Representors.

RESOLUTION

Moved: Independent Member Ben Green
Seconded: Mr John Rich

A. That the Development Assessment Panel resolves that Development Application 544/1117/2020 for Coast Protection Works consisting of: Levee Banks & Adjustment to Rock Wall at 8 Cumberland Road, Lots 7, 10, 14 & 18 Manwurta Street, Port Clinton 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 construction of Coast Protection Works consisting of: Levee Banks & Adjustment to Rock Wall at 8 Cumberland Road, Lots 7, 10, 14 & 18 Manwurta Street, Port Clinton (Development Application 544/1117/2020) the proposal be GRANTED Development Plan Consent, subject to the following conditions of consent:

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.**

Coast Protection Board Conditions:

2. **The minimum crest height for both the levee and seawall be 3.2m AHD.**

3. **Construction of the levees and any associated excavation, shall be carried out in a manner which minimises disturbance and environmental impacts on the coastal environment and the adjacent saltmarsh habitat.**

4. **To limit the spread of weeds into the coastal environment, all machinery brought into the site should adhere to appropriate machine hygiene and be adequately cleaned before entering the site.**

5. **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.**

NOTES:

1. **Native vegetation should, where possible, be salvaged and reused in the revegetation of the site post installation of the levee banks.**

2. **As the development is located on Crown land, the applicant is advised to consult with the Department for Environment and Water, Crown Lands Branch, to ensure that relevant Crown lands approvals and native title rights and interests have been addressed.**

3. **It is recommended that the Natural Resources Northern and Yorke or Coast and Marine Branch should be contacted to confirm the most suitable species list prior to ordering.**

4. **Any aspects of the development that are unable to take place, that may impact on funding arrangements under the Coast Protection Board's Regional Coastal Protection Grants program, should be discussed with Nicole Pelton, Coastal Project and Policy Officer, Coast and Marine Branch, DEW.**

5. **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 at 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 accept any responsibility for any loss of life and property that may occur as a result of such circumstances.

CARRIED 002/2021 (27/04/2021)

10 MATTERS DEFERRED

10.1 544/1346/2018 - P PHILLIPS C/- TOWN PLANNING HQ PTY LTD

PROPOSAL OUTLINE

Author:	**Jodie Terp**
Application No.:	**544/1346/2018**
Applicant:	**P Phillips c/ - Town Planning HQ Pty Ltd**
Owner:	**P Phillips**
Development Proposal:	**Detached Dwelling**
Lodgement Date:	**3/10/2018**
Subject Land:	**1689 Gleesons Road White Hut**
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**
Development Legislation:	***Development Act 1993***

10.16am Applicant Mr Peter Phillips addressed the Panel and spoke in support of the application.

10.24am Mr Peter Phillips concluded his address to the Panel.

Applicant's Planning Consultant Angela Davison answered questions from the Panel.

Applicant's Architect Peter Cittadini made comment to the Panel.

COMMITTEE RESOLUTION

Moved: Mr John Rich
Seconded: Presiding Member Debra Agnew

A. That Development Application 544/1346/2018 for the construction of a Detached Dwelling, at Lot 7, 1689 Gleesons Road, White Hut, Hundred of Carribie is not seriously at variance with the provisions of the Yorke Peninsula Council Development Plan consolidated 31 October 2017.

B. That following consideration and having regard to all relevant matters concerning the construction of a Detached Dwelling, at Lot 7, 1689 Gleesons Road, White Hut, Hundred of Carribie (Development Application 544/1346/2018), 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 accordance with the recommendations outlined in the Ecological Assessment Report prepared by ebs ecology and dated 10 November 2020 to minimise 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. **Weed control shall be ongoing and have particular focus on the removal of boxthorns and all weed species within the wastewater soakage area.**
9. **Landscaping shall only include local native species which are of local provenance to ensure no new weed species are introduced.**

<u>Country Fire Service Conditions</u>:

ACCESS TO DWELLING

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.3.1 describes the mandatory provision that 'Private' roads and driveways to buildings shall provide safe and convenient access/egress for large bushfire fighting vehicles, where the furthest point to the building from the nearest public road is more than 30 metres.

SA CFS has no objection to the proposed access driveway as detailed on drawing named Preliminary Site Plan (n.d.), received 12 September 2018, with the following conditions:

- **Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles.**
- **The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –**
  - **i. A loop road around the building, OR**
  - **ii. A turning area with a minimum radius of 12.5 metres, OR**
  - **iii. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.**
- **Private access shall have minimum internal radii of 9.5 metres on all bends.**
- **Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.**

ACCESS (to dedicated water supply)

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 requires a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA 78 describes the mandatory provision for access to the dedicated water for fire-fighting vehicles where the path of travel from the entrance to the property to the water storage facility is more than 30 metres in length, by an all-weather roadway:

The proposed location of dedicated fire fighting water has not been detailed on the drawings provided. The fire fighting water supply shall be located to comply with the following conditions:

- **The water supply outlet shall be easily accessible and clearly identifiable from the access way, that is a distance of no greater than 30 metres from the proposed dwelling. Stand alone tanks shall be identified with the signage 'WATER FOR FIRE FIGHTING' and the tank capacity written in 100mm lettering on the side of each tank and repeated so that the sign is visible from all approaches to the tank. The sign shall be in fade-resistant lettering in a colour contrasting with that of the background (ie blue sign with white lettering).**
- **Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.**
- **Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.**
- **SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.**
- **A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.**
- **All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.**
- **All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.**
- **Ideally a remote water supply outlet should be gravity fed, where this is not possible the following dimensions shall be considered as the maximum capability in any hydraulic design for draughting purposes:**
- **The dedicated water supply outlet for draughting purposes shall not exceed 5 metre maximum vertical lift (calculated on the height of the hardstand surface to the lowest point of the storage) and no greater than 6 metre horizontal distance.**
- **The suction outlet pipework from the tank shall be fitted with an inline non return valve of nominal internal diameter not less than that of the suction pipe and be located from the lowest point of extract from the tank. All fittings shall be installed to allow for easy maintenance.**

WATER SUPPLY

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.4.1 prescribes the mandatory provision of a dedicated and accessible water supply to be made available at all times for fire-fighting.

Ministers Specification SA78 provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with Minister's Specification SA78:

- **A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.**
- **The minimum requirement of 22,000 litres may be combined with domestic use, providing the outlet for domestic use is located above the 22,000 litres of dedicated fire water supply in order for it to remain as a dedicated supply.**
- **The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times.**
- **The water storage facility (and any support structure) shall be constructed of non-combustible material.**
- **The dedicated fire-fighting water supply shall be pressurised by a pump that has –**
  - **i. A minimum inlet diameter of 38mm, AND**
  - **ii. Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR**
  - **iii. A pumping system that operates independently of mains electricity and is capable of pressurising the water for fire-fighting purposes.**
- **The dedicated fire-fighting water supply pump shall be located at or adjacent to the dwelling to ensure occupants safety when operating the pump during a bushfire. An 'Operations Instruction Procedure' shall be located with the pump control panel.**
- **The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.**
- **All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.**
- **All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.**
- **A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the dwelling).**
- **All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.**

- **All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.**
- **All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.**
- **All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.**
- **All fire-fighting hoses shall be readily available at all times.**

VEGETATION

Minister's Code 2009 "Undertaking development in Bushfire Protection Areas" (as amended October 2012), Part 2.3.5 mandates that landscaping shall include Bushfire Protection features that will prevent or inhibit the spread of bushfire and minimise the risk to life and/or damage to buildings and property.

The proposed landscaping has not been detailed on drawings provided.

A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the dwelling (or to the property boundaries – whichever comes first) as follows:

i. **The number of trees and understorey plants existing and to be established within the VMZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous.**

   Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.

   SA CFS notes that coverage of vegetation within 20m of the proposed dwelling is currently greater than 30%.

ii. **Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.**

iii. **Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.**

iv. **Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.**

v. **Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees' lowest branches.**

vi. **Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.**

vii. **No understorey vegetation shall be established within 1 metre of the dwelling understorey is defined as plants and bushes up to 2 metres in height).**

viii. **Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves**

ix. **The VMZ shall be maintained to be free of accumulated dead vegetation.**

Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a '*measure of protection'* from the approach, impact and passing of a bushfire.

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.

CARRIED 003/2021 (27/04/2021)

The resolution was not unanimous with 2 voting in favour and 1 voting not in favour.

11 REVIEW OF DECISION OF ASSESSMENT MANAGER

Nil

12 ERD COURT MATTERS

Nil

13 CONCURRENCE APPROVALS

Nil

14 PROCEDURAL MATTERS

Nil

15 NEXT MEETING

25 May 2021

16 CLOSURE

The Meeting closed at 10.40am.

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

.....

CHAIRPERSON