



# **MINUTES**

## **Council Assessment Panel Meeting**

(Subject to confirmation)

**25 July 2023**

**MINUTES OF YORKE PENINSULA COUNCIL  
COUNCIL ASSESSMENT PANEL MEETING  
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,  
MINLATON  
ON TUESDAY, 25 JULY 2023 AT 9.30AM**

**1 WELCOME BY PRESIDING MEMBER**

Presiding Member Debra Agnew welcomed everyone to the meeting and declared the meeting open at 9.35am.

**2 PRESENT**

Presiding Member Debra Agnew, Independent Member Ben Green, Independent Member Peter Allen, Independent Member Stephen Horsell, Mr Richard Carruthers

**In Attendance**

Dustin Guthberg (Assessment Manager), Jodie Terp (Manager Development), Maddy Pulling (Minute Secretary), Kelly Galley (Development Support Officer)

**3 GALLERY**

11 people present in Gallery, including Yorke Peninsula Council employee Susan Hadley (Planning Officer)

**4 APOLOGIES**

Nil

**5 LEAVE OF ABSENCE**

Nil

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

**COMMITTEE RESOLUTION**

Moved: Mr Richard Carruthers

Seconded: Independent Member Stephen Horsell

That the minutes of the Council Assessment Panel Meeting held on 18 May 2023 be confirmed.

**CARRIED 003/2023 (25/07/2023)**

**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.

Mr Richard Carruthers declared a Perceived Conflict of Interest with Report Item 9.1 23009428 - 6 Warrawee Road, Stansbury, sighting that the Applicant of the development application is a Council employee and Mr Richard Carruthers is an Elected Member of Council and therefore this may be

perceived as a Conflict of Interest. Mr Richard Carruthers advised that he would leave the Chamber for the deliberation of the report item.

<p><b>CAP ONLY</b>  <b>Schedule 3, Clause 1(c) of the Planning, Development and Infrastructure Act 2016 and the Code of Conduct adopted by the Minister</b></p> <p><b>Declare and leave the meeting.</b>  <i>(The Code of Conduct adopted by the Minister requires a CAP Member who has an interest in a matter, not take part in any hearings conducted by the CAP, or in any deliberations or decision of the CAP and to be absent from the meeting when the matter is discussed.)</i></p>	
1. CAP Member Name:	Mr Richard Carruthers
2. Matter to be discussed:	Item 9.1
3. Nature of the Interest being declared:	Conflict of Interest – Perceived – Due to Applicant being a Council employee. I will abstain from voting and leave the Chamber.

## 8 VISITORS TO THE MEETING

Report Item 9.2 – 23006470 – Lot 9 Curly Hollow Road, White Hut

Representor: Denise Lehman

Applicant: Australian Coastal Flora represented by Damian Dawson and Manager of Australian Coastal Flora Richie Davey.

9.36am Mr Richard Carruthers left the Chamber due to a declared Conflict of Interest.

## REPORTS

### 9 DEVELOPMENT APPLICATIONS

#### 9.1 23009428 - 6 WARRAWEE ROAD STANSBURY

##### PROPOSAL OUTLINE

Author:	Jodie Terp
Application No.:	23009428
Applicant:	Gareth Harrison
Owner:	Guido Varricchio
Development Proposal:	Variation to Development Application 21040429 – Increase carport height and clad boundary side of carport down to the fence line.
Lodgement Date:	6 April 2023
Subject Land:	6 Warrawee Road Stansbury
Zone:	Neighbourhood
Nature of Development:	Code Assessed - Performance Assessed
Public Notification:	Yes
Representations:	2 – 1 to be heard
Referrals:	Nil
Development Plan Version:	Planning & Design Code – 30 March 2023 - V2023.5
Development Legislation:	Planning, Development and Infrastructure Act 2016

##### COMMITTEE RESOLUTION

Moved: Independent Member Ben Green

Seconded: Independent Member Peter Allen

- A. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- B. Development Application Number 23009428, by Gareth Harrison is granted Planning Consent subject to the following conditions:

##### Condition 1

The development shall be undertaken in accordance with the plans and documentation (as amended) accompanying the application, except where varied by any conditions herein, and at all times thereafter shall be maintained to the satisfaction of the relevant authority.

##### Condition 2

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 the relevant authority.

**CARRIED 004/2023 (25/07/2023)**

9.41am Mr Richard Carruthers returned to the Chamber.

## **9.2 23006470 - LOT 9 CURLY HOLLOW ROAD WHITE HUT**

### **PROPOSAL OUTLINE**

<b>Author:</b>	<b>Jodie Terp</b>
<b>Application No.:</b>	<b>23006470</b>
<b>Applicant:</b>	<b>Australian Coastal Flora</b>
<b>Owner:</b>	<b>David Clarke</b>
<b>Development Proposal:</b>	<b>Mixed use building consisting of workshop and workers' accommodation with associated common room and solar panels; water tank; and agricultural building</b>
<b>Lodgement Date:</b>	<b>16 April 2023</b>
<b>Subject Land:</b>	<b>Lot 9 in FP37 Curly Hollow Road, White Hut, CT Volume 5131 Folio 614</b>
<b>Zone:</b>	<b>Conservation Zone</b>
<b>Nature of Development:</b>	<b>Code Assessed – Performance Assessed</b>
<b>Public Notification:</b>	<b>Yes</b>
<b>Representations:</b>	<b>9 opposed – 8 wish to be heard</b>
<b>Referrals:</b>	<b>Nil</b>
<b>Development Plan Version:</b>	<b>Planning &amp; Design Code – 30 March 2023 – V2023.5</b>
<b>Development Legislation:</b>	<b>Planning, Development and Infrastructure Act 2016</b>

9.44am Representor Denise Lehman addressed the Panel and was opposed to the development raising concerns in relation to the potential environmental impact, being located in a Conservation Zone. The Representor presented the Panel with two aerial imagery photos of the proposed development to demonstrate the close proximity to the surrounding sand dunes and the native vegetation.

The Panel and the Applicant were given the opportunity to view the photos.

9.52am Denise Lehman concluded her address to the Panel.

Discussion ensued and the Panel asked questions and sought clarification from the Representor in relation to the concerns she raised.

9.56am Damian Dawson (representing the Applicant) Australian Coastal Flora, and the Operations Manager of Australian Coastal Flora, Richie Davey both addressed the Panel in response to the Representors concerns.

10.04am Damian Dawson and Richie Davey concluded their address to the Panel.

Discussion ensued and the Panel asked questions and sought clarification from the Applicant's representation (Damian Dawson and Richie Davey) in relation to environmental management and the scale of the development.

10.52am Presiding Chair Debra Agnew called for a meeting break.

10.55am Presiding Chair Debra Agnew resumed the meeting.

Discussion ensued and the Panel were in agreement that the Applicant needs to further address Performance Outcomes (1.1, 1.2, 4.1), Native and Coastal Overlays and address environmental management risks, demonstrating dune stabilisation, revegetation and flora and fauna species.

## COMMITTEE RESOLUTION

Moved: Independent Member Ben Green

Seconded: Independent Member Peter Allen

**That a decision on Development Application 23006470 by Australian Coastal Flora for a mixed-use building consisting of workshop and workers' accommodation with associated common room and solar panels, water tank and agricultural building at Lot 9 Curly Hollow Road, White Hut be DEFERRED to enable the applicant to:**

- **Amend the proposed development to specifically address the provisions of the Coastal Areas and Native Vegetation Overlays, and following assessment provisions of the Conservation Zone being Desired Outcome 1 and Performance Outcomes 1.1, 1.2 and 4.1.**
- **Have an Environmental Management Plan prepared by an accredited consultant that covers pest species management, dune stability and revegetation opportunities.**

**And for the Assessment Manager or Delegate to:**

- **Undertake any mandatory referrals that might be required in relation to the Coastal Areas Overlay, the Native Vegetation Overlay or Practice Direction 14.**

**CARRIED 005/2023 (25/07/2023)**

## 10 MATTERS DEFERRED

Nil

## 11 REVIEW OF DECISION OF ASSESSMENT MANAGER

Nil

## 12 ERD COURT MATTERS

Nil

## 13 CONCURRENCE APPROVALS

Nil

## 14 PROCEDURAL MATTERS

Dustin Guthberg advised the Panel that the expression of interest process for the new 2024-2026 term of the Council Assessment Panel would commence in coming months and that existing members can be reappointed if they wish to continue as an Independent Member.

Secretary Maddy Pulling will send correspondence to existing Independent Members to gauge their interest in continuing their membership for the new 2024-2026 term.

**15 NEXT MEETING**

Tuesday 22 August 2023

**16 CLOSURE**

**The Meeting closed at 11.13am.**

**The minutes of this meeting were confirmed at the Council Assessment Panel Meeting held on 22 August 2023.**

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**CHAIRPERSON**