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Yorke Peninsula Council

Minutes of the Meeting of the Council Development Assessment Panel

held on Tuesday 2 September 2014
in the Council Chambers,
57 Main Street, Minlaton commencing at 9.15am.

MEMBERSHIP: *Rodney Button (Presiding Member), Debra Agnew, Colin Boyce,
Peter Tonkin, Jeffrey Cook, Trevor Davey, John Rich*

(Subject to confirmation)

ITEM 1 COUNCIL DEVELOPMENT ASSESSMENT PANEL

1.1 Welcome by Presiding Member

Presiding Member Mr Rodney Button declared the meeting open at 9.20am and welcomed everyone in attendance.

1.2 Present

Mr Rodney Button, Ms Debra Agnew, Mr Colin Boyce, Mr Peter Tonkin & Mr Jeff Cook

In Attendance

Mr Roger Brooks	Director Development Services
Mr Michael Cartwright	Manager Development Services
Ms Georgina Burgess	Planning Officer
Ms Heidi Hirtler	Development Officer (Planning)
Mr Allan Cotton	Senior Development Officer
Mrs Shona Emery	Minute Taker

1.3 Gallery

In the gallery Mayor Ray Agnew and 3 visitors were present

1.4 Apologies

Mr John Rich
Mr Trevor Davey

1.5 Minutes of Previous Meeting

Mr Peter Tonkin moved Mr Colin Boyce seconded

That the minutes of the Council Development Assessment Panel meeting held on Tuesday 24 June 2014 at 9.15am be confirmed as a true record.

CARRIED DAP #1

1.6 Conflict of Interest

Presiding Member Mr Rodney Button reminded all members of the requirement to disclose any conflict of interest in relation to any matters before the Development Assessment Panel.

ITEM 2 VISITORS TO THE MEETING

Mr & Mrs Ey and Ms Julie Page

ITEM 3 DEVELOPMENT APPLICATIONS

3.1 **DA 544/2065/2014 – Outhred English & Associates Pty Ltd**

Mr Jeff Cook moved Ms Debra Agnew seconded

- A. That Development Application 544/2065/2014 for the construction of a non-complying detached dwelling, verandahs, carport and garage at (Section 21A) Hundred of Wauraltee is not seriously at variance with the provisions of the Yorke Peninsula Council Development Plan, consolidated 28 March 2013.
- B. That following consideration and having regard to all relevant matters concerning the construction of a non-complying detached dwelling, verandahs, carport and garage at (Section 21A) Hundred of Wauraltee (Development Application 544/2065/2014), Council seek the concurrence of the Development Assessment Commission in respect to the proposal being GRANTED Development Plan Consent, subject to the following conditions of consent:
 - 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 Bushfire Risk Area in a Bushfire Protection 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 embers from entering
 - Be located and designed to minimise the 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.
 - 3 The applicant/land owner shall apply for and obtain the necessary approvals for an on-site wastewater system in accordance with the South Australian Public Health Act 2011 and South Australian Public Health (Wastewater) Regulations 2013, prior to the issue of Development Approval.

- 4 The gutters of the dwelling shall be connected to on-site rainwater storage tank(s) with a minimum capacity of 10,000 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) 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 The area is to be landscaped and maintained with native plant species to the satisfaction of Council.

CARRIED DAP #2

3.2 DA 544/1025/2013 – Point Turton Sailing Club

Mr Allan Cotton confirmed that the proposed development is for a 9.0m x 7.5m x 3.2m wall height shed as opposed to a 12.0m x 7.5m x 3.2m wall height shed as described on the Site Plan.

The Presiding Member asked Mr & Mrs Ey to come forward and address the Panel.

Mr & Mrs Ey made the following comments regarding the proposed development:-

- Concerned about the removal of several trees to make way for an industrial size shed. Many trees have been removed since they moved there and it is affecting the bird life and the serenity of the area.
- It's a reserve area and adding another shed will take away from what the area is meant for.
- There is no turn around area or driveway and this would create dust issues.
- There is a lane way opposite the proposed shed which is used particularly by children and parents to gain access to the reserve and playground and the increased traffic will be a hazard to their safety.
- Sets a precedent to allow for further sheds.
- Coastal Patrol put an application in 4 years ago that was refused so what has changed to now allow this shed.
- It is a nature reserve area and it makes no sense having a shed placed in the middle of this or a driveway that would need to go through the middle of the reserve.

The Presiding Member thanked Mr & Mrs Ey for their comments.

The Presiding Member asked Ms Julie Page (Applicant Representative) to address the Panel.

Ms Page made the following comments in response to Mr & Mrs Ey's representation:-

- Would like to acknowledged Mr & Mrs Ey's comments
- There are no plans to remove any trees in relation to the building of the proposed shed. There is one tree that needs a branch removed but that is all.
- The road is already in use by the Sailing Club so there won't be much, if any, increase in traffic along this road.
- They intend on putting gravel along the drive way and turn around area to alleviate the dust issues.

- The shed is purely for storage of boats for members that don't have storage facilities on their property and to allow members who don't own a boat, access to use these boats as well.
- There are no future plans at this stage for any more development on this vicinity.
- Have reduced the size of the shed to try to compromise with neighbours.
- Only meet once a fortnight so issues raised about increased traffic, noise and dust should not be an issue.

Mr Jeff Cook asked if the 3 metre gap between the existing shed and the proposed shed will remain with the decrease in size of this shed. Ms Page responded that the 3m gap will remain the same at this stage but the Sailing Club is willing to negotiate this if Council feel there is a better alternative.

The Presiding Member thanked Ms Page for her response.

Discussion ensued on this matter.

Ms Debra Agnew moved Mr Colin Boyce seconded

- A. That the Development Assessment Panel resolves that Development Application 544/1025/2014 for a Boat Storage Shed at (Lot 47) 62-66 Esplanade, Point Turton is not seriously at variance with the provisions of the Yorke Peninsula Council Development Plan, consolidated 22 November 2012.
- B. That following consideration and having regard to all relevant matters concerning the construction of a Boat Storage Shed at (Lot 47) 62-66 Esplanade, Point Turton (Development Application 544/1025/2014), the proposal be GRANTED Development Plan Consent, subject to the following conditions of consent:
 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. No process shall be carried out or activity conducted from this building/garage which could give rise to reasonable objection from occupiers in the locality over noise, vibration, smell, fumes, smoke, silt, ash, dust, grit or electrical interference.
 3. No industrial or commercial activity shall be conducted from this building/garage without the prior written consent of Council.
 4. The buildings shall not be used or converted for use for human habitation. Human habitation includes the occupation of the building whether on a part time overnight basis or on a permanent basis.
 5. Driveways, vehicle manoeuvring and parking areas shall be constructed of dolomite (or similar material) 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. All security lights and floodlights associated with the proposed development shall be shielded and adjusted so as not to create nuisance to adjacent occupants or road users.
 7. The land shall be suitable landscaped to the satisfaction of the Council.
 8. The plants comprising the landscaping shall be maintained in a healthy condition with dead and diseased plants being promptly replaced.

9. All landscaping associated with this development should use native species, avoiding the spread of exotic plants. The Native Vegetation Council should be contacted should the applicant require specific species lists.

CARRIED DAP #3

3.3 544/1093/2014 – Ericsson Australia (C/- Visionstream)

Mr Colin Boyce moved

- A. That Development Application 544/1093/2014 for a telecommunications facility (fixed wireless NBN tower and associated infrastructure) at Part Section 646 Park Terrace, Edithburgh is not seriously at variance with the provisions of the Yorke Peninsula Council Development Plan, consolidated 6 February 2014.
- B. That following consideration and having regard to all relevant matters concerning the construction of a telecommunications facility (fixed wireless NBN tower and associated infrastructure) at Part Section 646 Park Terrace, Edithburgh (Development Application 544/1093/2014) the proposal be GRANTED Development Plan Consent, subject to the following conditions of consent:
 - 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 developer shall provide to the sporting club also occupying the land, appropriate access to the compound at ground level, to ensure that sporting goods which may enter the compound from time to time are able to be retrieved.

The motion lapsed for the want of a seconder

Discussion ensued.

Mr Colin Boyce moved Mr Peter Tonkin seconded

That the matter be deferred pending information from the Applicant on an alternate siting locality and landscaping details.

CARRIED DAP #4

3.4 544/1021/2014 – Longridge Group Pty Ltd

Mr Peter Tonkin moved Ms Debra Agnew seconded

- A. That Development Application 544/1021/2014 for the construction of a non-complying detached dwelling and verandah at Lot 18 (DP32899) Hundred Line Road, Hd Warrenben, Foul Bay is not seriously at variance with the provisions of the Yorke Peninsula Council Development Plan, consolidated 28 March 2013.
- B. That following consideration and having regard to all relevant matters concerning the construction of a non-complying detached dwelling and verandah at Lot 18 (DP32899) Hundred Line Road, Hd Warrenben, Foul Bay (Development Application 544/1021/2014), Council seek the concurrence of the Development Assessment Commission in respect to the proposal being GRANTED Development Plan Consent, subject to the following conditions of consent:

- 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 Where no mains water is available, the gutters of the dwelling shall be connected to an adequate and reliable on-site water storage system having a capacity of at least 45,000 litres which is connected to the development.
- 3 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.
- 4 The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either:
 - A loop road around the building, OR
 - A turning area with a minimum radius of 12.5 metres, OR
 - A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
- 5 Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres width and a vertical height clearance of 4 metres.
- 6 The all-weather road shall incorporate passing bays with a minimum formed width of 7 metres including the road or driveway width, and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the driveway.
- 7 Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- 8 The driveway shall be constructed to be capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes.
- 9 Provision shall be made adjacent to the water supply for a 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.
- 10 A minimum supply of 22,000 litres of water shall be available at all times for bushfire fighting purposes.
- 11 The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a fire service 64mm male London round thread adaptor which shall be accessible to bushfire fighting vehicles at all times.
- 12 The water storage facility (and any support structure) shall be constructed of non-combustible material.
- 13 The dedicated fire-fighting water supply shall be pressurised by a pump that has:
 - A minimum inlet diameter of 38mm, AND
 - Is powered by a petrol or diesel engine with a power rating of at least 3.7kW (5hp), OR
 - A pumping system that operates independently of mains electricity and is capable of pressurising water for fire-fighting purposes.

- 14 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.
- 15 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.
- 16 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.
- 17 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.
- 18 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).
- 19 All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
- 20 All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
- 21 All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
- 22 All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
- 23 All fire-fighting hoses shall be readily available at all times.
- 24 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:
 - The number of understorey plants established within the VMZ shall be maintained such that when considered overall a maximum coverage of 50% 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 50%'
 - Grasses within the zone shall be reduced to a maximum height of 10cms during the Fire Danger Season.
 - Additional trees and shrubs shall not be planted closer to the dwelling than the distance equivalent to their mature height.
 - No understorey vegetation shall be established within 1metre of the dwelling. (Understorey is defined as plants and bushes up to 2metres in height).
 - The VMZ shall be maintained to be free of accumulated dead vegetation.
- 25 Bushfire prevention and safety requirements shall be completed prior to occupancy of the building.

NOTE: 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.

CARRIED DAP #5

3.5 544/2070/2014 – S Palecek

Mr Jeff Cook moved Ms Debra Agnew seconded

- A. That Development Application 544/2070/2014 for the construction of a garage (5.1m x 4.25m x 3.65m wall height) and carport (5.1m x 3.6m x 2.58m high) at (Lot 89) 26 The Esplanade, Port Vincent is not seriously at variance with the provisions of the Yorke Peninsula Council Development Plan, consolidated 6 February 2014.
- B. That following consideration and having regard to all relevant matters concerning the construction of a garage (5.1m x 4.25m x 3.65m wall height) and carport (5.1m x 3.6m x 2.58m high) at (Lot 89) 26 The Esplanade, Port Vincent (Development Application 544/2070/2014), the proposal be GRANTED Development Plan Consent, subject to the following conditions of consent:
- 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 No process shall be carried out or activity conducted from this building/garage which could give rise to reasonable objection from occupiers in the locality over noise, vibration, smell, fumes, smoke, silt, ash, dust, grit or electrical interference.
 - 3 No industrial or commercial activity shall be conducted from this building/garage without the prior written consent of Council.
 - 4 The exterior cladding of the structure shall be finished in a factory pre-painted cladding of sound, undamaged materials of uniform colour and appearance.
 - 5 The building (garage) shall not be used or converted for use for human habitation. Human habitation includes the occupation of the building whether on a part time overnight basis or on a permanent basis.
 - 6 The carport herein approved shall not be enclosed on any side with any solid material, roller door, or the like, without the prior written approval of Council.
 - 7 Prior to the issuing of Development Approval, the applicant or land owner shall submit to Council a report from a Civil Engineer stating what measures are required to be taken in regards to the footings of the new carport, to ensure their integrity is not compromised by being setback less than 3 metres from the septic soakage.

CARRIED DAP #6

ITEM 4 ANY OTHER BUSINESS

4.1 Matters Deferred

Nil

4.2 ERD Court Matters

544/D010/2013 – Juren Nominees

Mr Allan Cotton advised the Panel that this case has been adjourned to allow the applicant sufficient time to raise the funds needed to challenge the case. He will update the Panel in due course of any action.

544/1307/2011 – Friends of Port Moorowie

Friends of Port Moorowie are waiting for a response from the Crown in regard to their application to lease the land directly from the Crown. Mr Allan Cotton will update the Panel in due course of the outcome.

544/2051/2009 – D Black

This matter appeared before the ERD Court on the 28th August 2014. The Applicant has compromised on his proposed development and will now only re-clad the dwelling rather than re-build. Council are satisfied with the outcome.

544/1272/2013 – CC Tape & Sons

Owner of the property has lodged an appeal with the ERD Court. One of the planning consent conditions was to enter into a Land Management Agreement with Council and they are appealing this condition. Council are currently in negotiations with the land owner with the aim of reaching a compromise. The Panel will be updated as negotiations continue.

4.3 Procedural Matters

4.3.1 Concurrence Approvals

Nil

4.3.2 – Planning Reform

Mr Roger Brooks informed the Panel that Council staff will be attending various seminars regarding the details of the draft reform. Staff will then submit a response regarding any concerns that Council have with the proposal.

ITEM 5 NEXT MEETING

Tuesday 23 September 2014

ITEM 6 CLOSURE

The meeting closed at 10.20am

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Presiding Member – Mr Rodney Button

Tuesday 23 September 2014