



*Agriculturally rich-Naturally beautiful*

## *Yorke Peninsula Council*

# **Minutes of the Meeting of the Council Development Assessment Panel**

held on Tuesday 24 June 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 9.15am and welcomed everyone in attendance.

#### **1.2      Present**

Mr Rodney Button, Ms Debra Agnew, Mr John Rich, Mr Colin Boyce, Mr Peter Tonkin, Mr Trevor Davey & Mr Jeff Cook (9.25am)

#### **In Attendance**

Mr Roger Brooks	Director Development Services
Ms Georgina Burgess	Acting Manager Development Services
Mr Allan Cotton	Senior Development Officer
Mrs Shona Emery	Minute Taker

#### **1.3      Gallery**

In the gallery Mayor Ray Agnew and CEO Andrew Cameron

#### **1.4      Apologies**

Nil

**1.5 Minutes of Previous Meeting**

**Mr John Rich moved Mr Colin Boyce seconded**

That the minutes of the Council Development Assessment Panel meeting held on Tuesday 27 May 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 Andrew Searle

**ITEM 3 DEVELOPMENT APPLICATIONS**

**3.1 DA 544/1068/2013 – S McLay**

**Ms Debra Agnew moved Mr Colin Boyce seconded**

- A. That Development Application 544/1068/2013 for the construction of a non-complying detached dwelling, carport (UMR), decks and garage at Lot 25 (DP45642) Hd Carribie/The Pines 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 non-complying detached dwelling, carport (UMR), decks and garage Lot 25 (DP45642) Hd Carribie/The Pines (Development Application 544/1068/2013), 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 Medium Bushfire Risk Area in a Bushfire Protection Area shall:
    - Have a dedicated fire fighting 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 applicant/land owner shall apply for and obtain the necessary approvals for clearance of native vegetation in accordance with the Native Vegetation Act 1991 and Native Vegetation Regulations 2003, prior to the issue of Development Approval.
- 5 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 fire-fighting purposes.
- 6 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.
- 7 Any landscaping associated with this development should use native coastal species, avoiding the spread of exotic plants in the coastal zone. The Northern and Yorke Natural Resources Management Board have produced an on-line Native Vegetation Guide for the Northern and Yorke Region which can be found at: [www.plantguide.org.au](http://www.plantguide.org.au) (select 'coastal').
- 8 Vehicle access to the dwelling and garage must be via existing access tracks, as stated in the Statement of Effect forming part of the application documents.
- 9 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 over-night basis or on a permanent basis.

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 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 accepts any responsibility for any loss of life and property that may occur as a result of such circumstances.

**CARRIED DAP #2**

### **3.2 DA 544/2263/2014 – S Palecek**

#### **Mr Trevor Davey moved Mr John Rich seconded**

- A. That the Development Assessment Panel resolves that Development Application 544/2263/2013 for an Elevated Detached Dwelling at (Sec 614) 46 The Esplanade, Port Clinton is not seriously at variance with the provisions of the Yorke Peninsula (DC) Development Plan, consolidated 28 March 2013.
- B. That following consideration and having regard to all relevant matters concerning the construction of a non-complying Elevated Detached Dwelling at (Sec 614) 46 The Esplanade, Port Clinton (Development Application 544/2263/2013), Council seeks the concurrence of the Development Assessment Commission in respect to 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. 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 fire fighting purposes.
3. 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.
4. 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.
5. The plants comprising the landscaping shall be maintained in a healthy condition with dead and diseased plants being promptly replaced.
6. The understorey area is not to be enclosed.
7. All windows on the northern and southern elevations shall have either sill heights a minimum of 1500mm from the abutting floor level or obscured glazing to any part of a window which is within 1500mm of the abutting floor.
8. Service facilities vulnerable to flooding are to be raised above the finished floor level (i.e. electrical power outlets, switchboards, hot water systems, air conditioning units, etc.) or at minimum 3.7m AHD.
9. Any landscaping associated with this development should use native coastal species, avoiding the spread of exotic plants in the coastal zone. The Native Vegetation Council should be contacted should the applicant require specific species lists.
10. The building footings are to be suitably engineered to withstand seawater inundation.

Notes:

The proposed dwelling is perhaps in an inappropriate location in regards to coastal hazards. Elevated floor levels do not alleviate long term coastal hazard risks, nor does it lessen the requirement for a whole of settlement coastal hazard adaptation strategy. At some stage in the future the applicant may have to protect the dwelling from coastal erosion. Such works should be constructed within the private property boundary.

Development in a general bushfire prone area shall comply with Minister's Specification SA78 including the following:

- Have a dedicated fire fighting water supply of at least 5,000 litres to comply with Ministers Specification SA 78.
- A hose (or hoses) used for fire fighting -
  - 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 a dwelling); and

- be capable of withstanding the pressures of the supplied water; and be of reinforced construction manufactured in accordance with AS 2620 or AS 1221; and
- have a minimum nominal internal diameter of 18mm; and
- have an adjustable metal nozzle; or an adjustable PVC nozzle manufactured in accordance with AS 1221; and
- have a maximum length of 36m; and
- be readily available at all times.

**Disclaimer**

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 approval granted herein. 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 or the South Australian Coast Protection Board nor any of its servants, agents or officers accepts responsibility for any loss of life and property that may occur as a result of such circumstances.

**CARRIED DAP #3**

**3.3 544/2046/2014 – Metal As Anything**

**Mr John Rich moved Mr Peter Tonkin seconded**

- A. That the Development Assessment Panel resolves that Development Application 544/2046/2014 for an Garage, Carport, Breezeway and Verandah at Lot 115 Black Point Road, Black Point is not seriously at variance with the provisions of the Yorke Peninsula (DC) Development Plan, consolidated 6 February 2014.
- B. That following consideration and having regard to the amended plans submitted with the application and all relevant matters concerning the construction of a Garage, Carport, Breezeway and Verandah at Lot 115 Black Point Road, Black Point (Development Application 544/2046/2014), 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 Carport and breezeway herein approved shall not be enclosed on any side with any solid material without the written consent of Council having first been obtained.
  - 3. 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.
  - 4. No industrial or commercial activity shall be conducted from this building/garage without the prior written consent of Council.

5. 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.
6. 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.
7. 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.
8. The land shall be suitable landscaped to the satisfaction of the Council.
9. The plants comprising the landscaping shall be maintained in a healthy condition with dead and diseased plants being promptly replaced.
10. All landscaping associated with this development should use native coastal species, avoiding the spread of exotic plants in the coastal zone. The Native Vegetation Council should be contacted should the applicant require specific species lists.

**CARRIED DAP #4**

*Mr Jeff Cook entered the room and joined the meeting at 9.25am*

**3.4 544/1078/2014 – M Anderson**

**Mr Colin Boyce moved Ms Debra Agnew seconded**

- A. That Development Application 544/1078/2014 for the construction of a domestic outbuilding (garage 6.2m x 7.9m x 3.0m wall height) at (Lot 26) 12 Manning Street, Stansbury 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 domestic outbuilding (garage 6.2m x 7.9m x 3.0m wall height) at (Lot 26) 12 Manning Street, Stansbury (Development Application 544/1078/2014), 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. 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 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.

**CARRIED DAP #5**

*Mr Jeff Cook declared a conflict of interest with Item 3 Report 5 – DA 544/1001/2014 - A Searle - and left the chamber at 9.30am.*

The Presiding Member asked Mr Andrew Searle to address the Panel.

Mr Searle made the following comments regarding the proposed development:-

- Believes he has addressed all concerns by the representations submitted but would like to reiterate the main points
- Concerns regarding noise pollution or environmental factors are irrelevant as he would have to adhere to strict industry and government restrictions and guidelines which would prevent any issues regarding environmental or noise pollution.
- Would be happy to negotiate operating hours if it was to make a difference to the decision made.
- The road condition is Council's responsibility and there is nothing he can do about its condition or maintenance and as he is not envisaging a high percentage of extra traffic he does not see this as a relevant concern.
- Currently there are many other business's operating in non-industry zones which are larger, busier and noisier than anything he is proposing.

The Presiding Member thanked Mr Searle for his response.

Discussion ensued regarding this matter.

**Mr Colin Boyce moved Mr Peter Tonkin seconded**

- A. That the Development Assessment Panel resolves that Development Application 544/1001/2014 for Light Service Industry at (Lot 123) 3 Giles Street West, Coobowie 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 Light Service Industry at (Lot 123) 3 Giles Street West, Coobowie (Development Application 544/10001/2013) the proposal be REFUSED Development Plan Consent, as it fails to comply with the following provisions of the Yorke Peninsula Council Development Plan.

Settlement Zone Provisions

Objective: 2 & 4

Principle: 1, 3, 4, 9,

General Section Provisions

Industrial Development

Objective: 1 & 3.

Principle: 6 & 7

Infrastructure

Principle: 1

Interface Between Land Uses

Objective: 1, 2 & 3

Principle: 1, 2, 4, 5, 7, 8, 11 & 12

Interface Landscaping, Fences and Walls

Objective: 1

Principle: 1

Orderly & Sustainable Development

Objective: 1, 3 & 4

Principle: 1

**CARRIED DAP #6**

*Mr Jeff Cook re-entered the chamber at 9.45am*

**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 there was a Directions Hearing on 10 June 2014, however this was deferred until the 19 August at the request of the Applicant. He will update the Panel in due course of the outcome.

544/1307/2011 – Friends of Port Moorowie

Friends of Port Moorowie have requested the ERD Court to place this matter on hold pending a response from the Crown regarding the subject land.

544/1272/2013 – I & M Craigie

Applicant has lodged an appeal with the ERD Court. One of the development approval conditions was to enter into a Land Management Agreement with Council and they are appealing this condition. No Court date has been set at this stage.

**4.3          Procedural Matters**

**4.3.1      Concurrence Approvals**

DA 544/1264/2013 – H Weichers – Foul Bay

**4.3.2 – Section 30 Review**

Mr Roger Brooks informed the Panel that Council are currently conducting a Section 30 review of the Development Plan. After some discussion it was agreed that a workshop involving Panel Members and Councillors be held in due course. Mr Roger Brooks will discuss with Council and advise of details.

Mr Trevor Davey advised that he may be an apology for the meeting in July, 2014.

**ITEM 5      NEXT MEETING**

Tuesday 22 July 2014

**ITEM 6      CLOSURE**

The meeting closed at 10.15am.

.....  
**Presiding Member – Mr Rodney Button**  
Tuesday 22 July 2014