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Yorke Peninsula Council

Minutes of the Meeting of the Council Development Assessment Panel

held on Tuesday 27 May 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

Presiding Member Mr Rodney Button delayed the meeting commencement time in anticipation of Mr Jeff Cook's arrival.

1.1 Welcome by Presiding Member

Presiding Member Mr Rodney Button declared the meeting open at 9.28am and welcomed everyone in attendance.

1.2 Present

Mr Rodney Button, Mr John Rich, Mr Peter Tonkin, Mr Trevor Davey & Mr Jeff Cook (9.37am)

In Attendance

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

1.3 Gallery

4 people were present in the gallery

1.4 Apologies

Ms Debra Agnew
Mr Colin Boyce

1.5 Minutes of Previous Meeting

Mr Trevor Davey and Mr Peter Tonkin seconded

That the minutes of the Council Development Assessment Panel meeting held on Tuesday 22 April 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 P Nottle & Mr K Matthews

ITEM 3 DEVELOPMENT APPLICATIONS

3.1 **DA 544/2135/2013 – K Matthews**

The Presiding Member asked Mr Philip Nottle to come forward and address the Panel.

Mr Nottle made the following comments regarding the proposed development:–

- That a commercial venture in a residential zone is not appropriate
- Excessive noise levels and increased traffic are a serious concern
- Claims Mr Matthews has ignored previous Council conditions by having tents erected in the back yard and the back shed and wet areas have been used despite Council forbidding this previously
- Concerned this is an attempt by Mr Matthews to increase the number of people permitted (currently 10 persons) to stay at the property

The Presiding member thanked Mr Nottle for his comments.

The Presiding member asked Mr Kevin Matthews as the applicant to address the Panel.

Mr Jeff Cook entered the room and joined the meeting at 9.37am

Mr Matthews made the following comments in response to Mr Nottle's representation:-

- This application is only to increase the number of permitted occupants from the current 10 to 12 in total.
- It would allow 3 families of 4 to have more privacy during their stay and allow the children to use the sleep-out so parents would not have to share rooms e.g. 2 adults in each room in the house and 2 children in each room in the sleep-out.
- The wet areas in the sleep-out have been there for a long time and greatly reduce the congestion of the inside facilities. These are only used when needed.

- It is no more a commercial venture than anyone else renting out their holiday home as he too stays at the property often having extended family gatherings. It is only rented out occasionally to help cover the costs of utilities and up keep of the property.
- Port Vincent is a tourist town and needs extra accommodation facilities as at peak times there isn't enough accommodation as it is.

The Presiding Member thanked Mr Matthews for his response.

Discussion ensued with this regard.

Mr Jeff Cook moved and Mr Trevor Davey seconded that :-

- A. That Development Application 544/2135/2013 for the conversion of an existing outbuilding to accommodate 3 bedrooms and wet area to be used in association with and ancillary to the existing dwelling at 2 Minlacowie Road, Port Vincent, 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 conversion of an existing outbuilding to accommodate 3 bedrooms and wet area to be used in association with and ancillary to the existing dwelling at 2 Minlacowie Road, Port Vincent (Development Application 544/2135/2013) the proposal be REFUSED as the proposal is at variance with the following provisions of the Development Plan.

Residential Zone

Objective: 4

Principle: 6

General

Objective: 1

Principle: 2

Orderly & Sustainable Development

Objective: 1 & 4

Principle: 1

Residential Development

Objective: 1

CARRIED DAP #2

3.2 DA 544/1031/2014 – AC & AM Easter

Mr John Rich moved and Mr Peter Tonkin seconded

- A. That Development Application 544/1031/2014 for the construction of a non-complying detached dwelling, verandah, carport and garage extension at (Lot 12) 17314 Yorke Highway, Marion Bay 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 non-complying detached dwelling, verandah, carport and garage extension at (Lot 12) 17314 Yorke Highway, Marion Bay (Development Application 544/1031/2014), 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 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 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.
- 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 vehicles are to manoeuvre on-site to ensure all movements to/from Yorke Highway are undertaken in a forward direction.
- 7 No additional access shall be opened direct to/from Yorke Highway to serve the site.
- 8 No stormwater from this development is permitted to discharge on-surface to Yorke Highway. In addition, any existing drainage of the road shall be accommodated in the development and any alterations to road drainage infrastructure as a result of this development shall be at the expense of the applicant.

CARRIED DAP #3

3.3 544/1034/2014 – Friends of Port Moorowie

Mr Allan Cotton advised the Panel that this Agenda item has since been withdrawn to enable the Applicant (Friends of Port Moorowie) to address the issues Council has raised with the proposed development.

ITEM 4 ANY OTHER BUSINESS

4.1 Matters Deferred

Nil

4.2 ERD Court Matters

544/D010/2013 – Juren Nominees

Mr Allan Cotton notified the Panel that there is a Directions Hearing on 10 June 2014. He will update the Panel at the next meeting with the outcome.

544/1307/2011 – Friends of Port Moorowie

Friends of Port Moorowie had asked the ERD Court to place this matter on hold pending the outcome of DA 544/1034/2014.

4.3 Procedural Matters

4.3.1 Concurrence Approvals

Nil

4.3.2 – Procedural Clarifications

The Panel enquired as to why the term “seriously at variance” needs to be included in the recommendations. Mr Allan Cotton advised briefly that the terminology is a legal requirement demonstrating that the planning authority has considered whether a proposed development is appropriate or inappropriate to the provisions of the Development Plan.

The Panel further enquired as to why all applications that have any variation to the provisions of the Development Plan are not referred to the Panel for consideration. Mr Brooks referred to Part C of the Terms of Reference identifying delegations to the Panel about the decision making process on particular applications.

Mr Trevor Davey queried why the word “should” is used instead of “will”. Mr Roger Brooks gave a brief explanation but will supply a legal definition of the different legal meanings along with information as discussed.

ITEM 5 NEXT MEETING

Tuesday 24 June 2014

ITEM 6 CLOSURE

The meeting closed at 10.20am.

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Presiding Member – Mr Rodney Button

Tuesday 24 June 2014