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## *Yorke Peninsula Council*

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

held on Tuesday 28<sup>th</sup> April 2015  
in the Council Chambers,  
57 Main Street, Minlaton commencing at 9:15am

**MEMBERSHIP:** *Rodney Button (Presiding Member), Debra Agnew, Susan Avey,  
Peter Tonkin, Jeffrey Cook, Scott Hoyle, John Rich*

*(Subject to confirmation)*

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### **ITEM 1      COUNCIL DEVELOPMENT ASSESSMENT PANEL**

#### **1.1      Welcome by Presiding Member**

Presiding Member Mr Rodney Button declared the meeting open at 9:25am and welcomed everyone in attendance.

#### **1.2      Present**

Mr Rodney Button, Mr Peter Tonkin, Ms Debra Agnew, Mrs Susan Avey, Mr Jeff Cook, Mr Scott Hoyle & Mr John Rich

#### **In Attendance**

Mr Roger Brooks	Director Development Services
Mr Michael Cartwright	Manager Development Services
Mr Allan Cotton	Senior Development Officer
Mrs Debra Bray	Minute Taker

#### **1.3      Gallery**

Mr Vito Pantelic

#### **1.4      Apologies**

Nil

**1.5 Minutes of Previous Meeting**

**Mr Jeff Cook moved Mr Peter Tonkin seconded**

That the minutes of the Council Development Assessment Panel meeting held on Monday 28 January 2015 at 10:00am 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 Council Development Assessment Panel.

**ITEM 2 VISITORS TO THE MEETING**

Mr Vito Pantelic

**ITEM 3 DEVELOPMENT APPLICATIONS**

**3.1 DA 544/D015/2014 – RJ Germein**

**Mr Jeff Cook moved Mr Scott Hoyle seconded**

- A. That Development Application 544/D015/2014 for the division of land at 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 proposed division of land including Lot 157 and 202 and Section 75 in the Hundred of Ramsay (Development Application 544/D015/2014), the proposal be GRANTED Development Plan Consent and Land Division Consent, subject to the following conditions:**

**DEVELOPMENT PLAN CONDITIONS**

- 1. Development shall be undertaken in accordance with the plan submitted with Development Application No. 544/D015/2014.**

**LAND DIVISION CONDITIONS**

- 2. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.**
- 3. The existing Lime Kiln Road access adjacent the north western corner of Allotment 2 shall be permanently closed and fenced off.**
- 4. All access to/from the site shall be gained via abutting Council roads. No direct vehicular access to/from St Vincent Highway shall be permitted.**

**Reasons for Conditions – To ensure Compliance with the Development Plan, in particular the following provisions:**

**General Section Provisions**

**3.2 DA 544/D019/2014 – RJ Germein**

**Mr Jeff Cook moved Mr John Rich seconded**

- A. That Development Application 544/D019/2014 for the division of land at 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 proposed division of land as show as allotment 1 in Development Application 544/D015/2014, the proposal be GRANTED Development Plan Consent, subject to the following conditions of consent:**

**DEVELOPMENT PLAN CONDITIONS**

- 1. Development shall be undertaken in accordance with the plan submitted with Development Application No. 544/D019/2014.**
- 2. Details of proposed wastewater disposal, including;**
  - a. Method of disposal,**
  - b. The capacity of the proposed system, and**
  - c. Whether the system would be capable of effectively servicing the proposed allotments.**

**Shall be submitted to Council and approved prior to the issue of Land Division Consent.**
- 3. A Stormwater Management Plan (SMP) that details the arrangements for the management of stormwater once the site is fully developed shall be submitted to Council and approved prior to the issue of Land Division Consent. The SMP must demonstrate:**
  - a. The incorporation of WSUD features, and**
  - b. Indicate the measures incorporated to ensure that stormwater leaving the site would achieve the following performance objectives:**
    - i. Run-off rates that would not exceed the rate of discharge from the site that existed in pre-development levels,**
    - ii. Water quality targets of:**
      - 90% reduction in litter/gross pollutants**
      - 45% reduction in average annual total nitrogen**
      - 60% reduction in average annual total phosphorous**
      - 80% reduction in average annual total suspended solids**
- 4. A Construction Environmental Management Plan (CEMP) detailing the following (but not limited to) shall be submitted to Council and approved prior to the issue of Land Division Consent:**
  - a. Preventing soil from leaving the site via traffic movement to and from the site during construction, e.g. through the use of shaker pads,**

- b. Minimising vegetation clearance, clearing in stages and stabilisation of cleared areas to minimise soil transport through wind and rain,
  - c. The construction of sedimentation basins (if proposed) and where these would be located,
  - d. Construction noise mitigation strategies,
  - e. Managing stockpiles of soil on-site.
5. A cul-de-sac with minimum external radius of 12.5m shall be constructed at the end of all no through roads in accordance with the Minister's Code 'Undertaking development in Bushfire Protection Areas'. Public access shall be assured over such areas by way of a legally enforceable right of way, Land Management Agreement or other such means that may be agreed with between the Council and the Developer.
  6. Road designs shall comply with the Minister's Code 'Undertaking development in Bushfire Protection Areas' as a minimum standard.
  7. An asset protection zone (buffer zone) of at least 40m shall be established around the perimeter of the development abutting adjoining farming land and the owner of such land shall thereafter be responsible for maintaining the area free of flammable growth higher than 100mm in height during the fire danger season.
  8. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.
  9. Compliance with Council's Statement of Requirements dated 30 October 2014.
  10. Requirements of the SA Water Corporation shall be met, including;
    - The financial requirements for the provision of water supply'
    - Any augmentation requirements,
    - Any necessary easements shall be vested to SA Water.

**Reasons – for Conditions – To ensure Compliance with the Development Plan, in particular the following provisions:**

#### **Residential Zone Provisions**

Objective: 4

Principles of Development Control: 14 & 15

#### **General Section Provisions**

##### Land Division

Objective: 1

Principles of Development Control: 1, 2, 4, 7, 16, 3 & 14

##### Hazards

Objective: 4 & 5

Principles of Development Control: 5, 7, 13 & 14

### Infrastructure

Objective: 1 & 2

Principles of Development Control: 1, 2, 5, 10, 11 & 12

### Interface Between Land Uses

Objective: 1, 5, 6 & 10

Principles of Development Control: 5, 7, 8, 9, 10, 11, 12, 14 & 28

### Orderly and Sustainable Development

Objective: 1 & 4

Principles of Development Control: 6 & 7

### Residential Development

Objective: 1 & 5

Principles of Development Control: 4

### Transportation and Access

Objective: 2

Principles of Development Control: 8, 22 & 23

### Waste

Objective: 2

Principles of Development Control: 1, 3, 4, 8, 10 & 12

**CARRIED DAP #3**

## **3.3 DA 544/1198/2014 – Vito Son & Daughter Pty Ltd**

The Presiding Member asked Mr Vito Pantelic to come forward and address the Panel.

Mr Pantelic requested that Mr Allan Cotton read the representation received by Council from third party Jane Robins and Robert Baxter. Jane Robins was unable to attend the Panel meeting; therefore the representation was read aloud.

Mr Pantelic made the following comments regarding the proposed development:

- 5m clearance is sufficient for Emergency Services vehicle access.
- Additional rain water tanks will be installed.
- Dwelling situated in proposed location so that the remaining land is to the side of the dwelling; therefore allowing the potential for future land divisions and continuation of current land being used for stock.
- Shed on property is used to house fishing charter vessel. Vehicle and vessel extend 20m and need large turning circle area. Current turning area is on hard bedrock as area has been used for some time. Moving the proposed dwelling to the right would mean hard stand turning circle area would also need to be shifted.

The Presiding Member thanked Mr Pantelic for his comments.

Mr Allan Cotton advised that this application is Non-Complying. Concurrence will still need to be sought from the Development Assessment Commission.

Discussion ensued on this matter.

**Mr Scott Hoyle moved Mr John Rich seconded**

- A. That Development Application 544/1198/2014 for the erection of a two storey detached dwelling at (Lot 10) 17388 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 erection of a two storey detached dwelling at (Lot 10) 17388 Yorke Highway, Marion Bay (Development Application 544/1198/2014), 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. 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.**
  - 3. 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.**
  - 4. The land shall be suitably landscaped to the satisfaction of the Council.**
  - 5. The plants comprising the landscaping shall be maintained in a healthy condition with dead and diseased plants being promptly replaced.**
  - 6. 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.**
  - 7. Roofing material shall have low light reflective qualities with finishes having muted, natural colours which blend with the natural setting of the site.**
  - 8. The driveway providing access from the adjoining public road to the proposed dwelling shall comply with the requirements of the Minister's Code 'Undertaking Development in Bushfire Protection Areas' and in particular must ensure the driveway is;**
    - a. constructed with a formed, all-weather surface**
    - b. constructed away from hazardous vegetation such as overhanging limbs and continuous cover of thick vegetation**
    - c. located such that the need to clear native vegetation is avoided**
    - d. formed with a minimum width of 3m**
    - e. of a gradient of not more than 16 degrees (i.e. a maximum slope of 1:3.5) at any point along the driveway**
    - f. built to allow fire-fighting vehicles to travel in a continuous forward movement by constructing curved roads and driveways with curves that have a minimum external radius of 12.5m**

- g. built to allow fire-fighting vehicles to safely enter and exit an allotment in a forward direction by incorporating a turning area with a minimum radius of 12.5m.

**Reasons for Conditions – To ensure Compliance with the Development Plan, in particular the following provisions:**

**Primary Production Zone Provisions**

Objectives: 6

**General Section Provisions**

Interface Between Land Use

Principles of Development Control: 16

Landscaping, Fences & Walls

Objective: 1

Principles of Development Control: 1, 2 & 3

Transportation and Access

Objectives: 2

Principles of Development Control: 13, 28, 29 & 32

**CARRIED DAP #4**

**ITEM 4 ANY OTHER BUSINESS**

**4.1 Matters Deferred**

Nil

**4.2 ERD Court Matters**

**4.2.1 DA 544/D010/2013 – Juren Nominees**

Appeal Withdrawn

*9:55am Mrs Susan Avey entered the meeting*

**4.2.2 DA 544/1307/2011 – Friends of Port Moorowie**

Friends of Port Moorowie are currently looking at other parcels of land that may better suit the proposed development. Council are to determine whether the parcel of land will come under their care, control and management at the May Council meeting. Council will continue to liaise with the Applicant and update the Panel with any further developments.

**4.3 Procedural Matters**

**4.3.1 Concurrence Approvals**

544/2147/2014 - PB Whittaker – New Dwelling - Petersville (HD Cunningham)

Mr Roger Brooks advised the Panel that this application has received concurrence from the Development Assessment Commission.

**4.4 Other Business**

**4.4.1 Meeting Time**

As today is the first meeting for the new Panel, Mr Rodney Button asked all members what time suited best to hold the Panel meeting, taking into account Council Officer's schedules and other Council meetings/workshops to work in with.

**Ms Debra Agnew moved Mr Peter Tonkin seconded**

That future meetings of the Council Development Assessment Panel commence at 9:30am.

**CARRIED DAP #5**

**4.4.2 Panel Members' Training**

Mr Rodney Button suggested that Members stay back after a future meeting to peruse through various development applications to familiarise Members with different scenarios they may face whilst on the Panel. It is hoped that Panel Members will gain a better understanding of development applications, conditions imposed upon them and how Council Officers assess the submissions. Mr Roger Brooks and Mr Michael Cartwright to organise and advise of proceedings at the next meeting.

Mr Roger Brooks asked all members to commit to a two (2) hour session after the next Panel meeting to examine the Yorke Peninsula Council Development Plan and supporting legislation.

**ITEM 5      NEXT MEETING**

Tuesday 26 May 2015 at 9:30am

**ITEM 6      CLOSURE**

The meeting closed at 10:20am

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**Presiding Member – Mr Rodney Button**  
Tuesday, 28 April 2015