



MINUTES

Council Assessment Panel Meeting

(Subject to confirmation)

26 February 2019

**MINUTES OF YORKE PENINSULA COUNCIL
COUNCIL ASSESSMENT PANEL MEETING
HELD AT THE COUNCIL CHAMBERS , MINLATON TOWN HALL, 57 MAIN STREET,
MINLATON
ON TUESDAY, 26 FEBRUARY 2019 AT 9.30AM**

1 WELCOME BY PRESIDING MEMBER

Presiding Member Rodney Button welcomed everyone to the meeting and declared the meeting open at 9.36am.

2 PRESENT

Presiding Member Rodney Button, Mr Jeffrey Cook, Independent Member Debra Agnew, Independent Member Susan Hadley

In Attendance

Roger Brooks (Assessment Manager), Dustin Guthberg (Planning Officer), Maddy Pulling (Minute Secretary)

3 GALLERY

7 people

4 APOLOGIES

Nil

5 LEAVE OF ABSENCE

Nil

6 MINUTES OF PREVIOUS MEETING – FOR CONFIRMATION

COMMITTEE RESOLUTION

Moved: Mr Jeffrey Cook

Seconded: Independent Member Susan Hadley

That the minutes of the Council Assessment Panel Meeting held on 23 October 2018 be confirmed with the following correction to be noted;

The Recommendations in both the October 2018 Minutes and Agenda reports 9.1 and 9.2, did not specify that Development Plan Consent to Development Application 544/1064/2018 and Development Application 544/1138/2018 was approved ***subject to the Concurrence the State Commission Assessment Panel (SCAP)***.

CARRIED 001/2019 (26/02/2019)

7 CONFLICT OF INTEREST

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

Independent Member Susan Hadley declared a Material Conflict of Interest with Item 9.4 and advised she will be leaving the Chamber while the item is considered.

CONFLICT OF INTEREST DECLARATION	
Disclosure of [type] of Conflict of Interest being declared	Material conflict of interest
Elected/Independent Member Name	Susan Hadley
Matter to be discussed (<i>Agenda Item #</i>)	Item 9.4 Report relating to DA 544/1070/2018 for Spartan Plans & Building Services at 25 Edwards Street, Bluff Beach
Nature of the Interest (<i>as described by the Member</i>)	Due to the nature of the application being non-complying I was engaged as a professional planning practitioner on behalf of the applicant and landowners to assist with the application.
Manner in which the Member addressed the Actual or Perceived Conflict of Interest	I carried out an independent planning assessment and wrote the Statement of Effect in support of the application.
If the Member voted on the matter, the manner in which he or she voted	Left the Chamber and did not vote
The manner in which majority of persons who were entitled to vote at the meeting voted on the matter	Carried 005/2019(26/02/2019)

8 VISITORS TO THE MEETING

Grant Croft from Masterplan – Representor to report 9.1 Stuart Palecek (on behalf of Bohm) 544/1152/2018.

Paul Hatzielenis – Representor to report 9.2 Port Julia Progress Association 544/1254/2018.

Mark Stuart – Representor to report 9.3 Mark Stuart and Lucy Janet Stuart 544/1423/2018.

David Edwards – Representor to report 9.4 Spartan Plans and Building Services (on behalf of DA & SL Edwards) 544/1070/2018.

REPORTS**9 DEVELOPMENT APPLICATIONS****9.1 STUART PALECEK (ON BEHALF OF BOHM) 544/1152/2018****PROPOSAL OUTLINE**

Author: David Hutchison – Access Planning
Application No.: 544/1152/2018
Applicant: Stuart Palecek (on behalf of Bohm)
Owner: Adrian Bohm
Development Proposal: Dwelling alterations and additions
Lodgement Date: 12 April 2018
Subject Land: 16 Black Point Drive Black Point
Zone: Settlement Zone – Black Point Policy Area
Nature of Development: Merit
Public Notification: Category 1
Representations: NA
Referrals: NIL
Development Plan Version: 31 October 2017

9.37am Representor Grant Croft from Master Plan addressed the Panel in support of the application and concluded his speech after 5 minutes.

COMMITTEE RESOLUTION

Moved: Mr Jeffrey Cook
Seconded: Independent Member Debra Agnew

That Development Application 544/1152/2018, that seeks to construct dwelling additions and alterations at number 16 Black Point Drive, Black Point is not seriously at variance with the Council of Yorke Peninsula Development Plan, Consolidated 31 October 2017.

That Development Plan Consent to Development Application 544/1152/2018, that seeks to construct dwelling additions and alterations at number 16 Black Point Drive, Black Point, be refused for the following reasons;

Failure to comply with Settlement Zone, Black Point Policy Area 3, principle 11 and Black Point Design Guidelines 5.1, 5.2 and 6.9.

CARRIED 002/2019 (26/02/2019)

9.2 PORT JULIA PROGRESS ASSOCIATION 544/1254/2018**PROPOSAL OUTLINE**

Author:	David Hutchison – Access Planning
Application No.:	544/1254/2018
Applicant:	Port Julia Progress Association
Owner:	Yorke Peninsula Council
Development Proposal:	Fire Hose Reels, Bush Camp Ground (30 sites) with Fire Hose Reel System and associated Signage
Lodgement Date:	22 July 2018
Subject Land:	(Lot 350) 2-4 Osprey Street Port Julia
Zone:	Settlement Zone
Nature of Development:	Merit
Public Notification:	Category 3
Representations:	3
Referrals:	NIL
Development Plan Version:	31 October 2017

9.47am Representor Paul Hatzielenis addressed the Panel against the application and expressed his frustration with raised dust from traffic when entering and exiting the campground which is located adjacent to his house. Mr Hatzielenis also raised concerns with the safety aspect of the location of the campground entrance and concluded his speech after 5 minutes.

COMMITTEE RESOLUTION

Moved: Independent Member Debra Agnew

Seconded: Independent Member Susan Hadley

- A. That Development Application 544/1254/2018, that seeks approval to use land at (Lot 350) 2-4 Osprey Street Port Julia for bush camping is not seriously at variance with the Yorke Peninsula Council Development Plan, Consolidated 31 October 2017.**
- B. That Development Plan Consent to Development Application 544/1254/2018 that seeks approval to use land at (Lot 350) 2-4 Osprey Street, Port Julia, for bush camping be approved subject to the following conditions;**

Conditions

- 1. The occupation of the land shall be limited to a maximum of 30 sites only as generally depicted on the plan entitled “proposal 1” and in accordance with the other application documents submitted with Development Application 544/1254/2018 and stamped as approved by the Council.**
- 2. The applicant shall ensure that all camping and other activities associated with the land use activities are contained to the subject land. Note: A survey to confirm the actual legal boundary of the property may be required.**

3. For the purposes of this consent the applicant shall adhere strictly to conditions 1, 3, 4, 6 to 11 the campground regulations and in particular the running of generators shall be limited to between the hours of 8.00am and 9.30pm daily.
4. Vehicle speeds on site shall be limited to not greater than 10Kph, which shall be signposted on the land at the entry to the property and which shall be included in campground regulations.
5. Each occupant shall be provided with a copy of the campground regulations at the commencement of their occupation of the land.

CARRIED 003/2019 (26/02/2019)

9.3 MARK STUART AND LUCY JANET STUART 544/1423/2018**PROPOSAL OUTLINE**

Author:	Dustin Guthberg
Application No.:	544/1423/2018
Applicant:	Mark Stuart and Lucy Janet Stuart
Owner:	Lucy Janet Stuart
Development Proposal:	Store
Lodgement Date:	6 December 2018
Subject Land:	12 Black Point Drive, Black Point
Zone:	Settlement Zone – Black Point Policy Area
Nature of Development:	Non Complying
Public Notification:	Category 3
Representations:	NA
Referrals:	NA
Development Plan Version:	29 November 2018

9.50am Representor Mark Stuart addressed the Panel in support of the application and advised the Panel he had identified an error contained within the report and concluded his speech after 5 minutes.

Discussion ensued and it is to be noted that an error was identified on page 96 of the report which stated the allotment (12) was 727m² and it should read 2102m². Planning Officer, Dustin Guthberg advised that this error has no consequence to the Recommendation in the report.

COMMITTEE RESOLUTION

Moved: Independent Member Susan Hadley
Seconded: Independent Member Debra Agnew

That Development Application 544/1423/2018, that seeks approval to use land at (Lot 12) Black Point Drive Black Point is seriously at variance with the Council of Yorke Peninsula Council Development Plan, Consolidated 29 November 2018.

That the Council Assessment Panel resolves the Development Application 544/1423/2018 for a Store at (Lot12) Black point Drive, Black Point be refused and not proceed to assessment.

CARRIED 004/2019 (26/02/2019)

10.02am Independent Member Susan Hadley Declared a Material Conflict of Interest and left the Chamber.

**9.4 SPARTAN PLANS AND BUILDING SERVICES (ON BEHALF OF DA & SL EDWARDS)
544/1070/2018**

PROPOSAL OUTLINE

Author:	Adam Williams – Access Planning
Application No.:	544/1070/2018
Applicant:	Spartan Plans & Building Services (on behalf of DA & SL Edwards)
Owner:	DA & SL Edwards
Development Proposal:	Demolition of existing dwelling (shack) and construction of a single storey dwelling with associated verandah and deck and under-roof garage
Lodgement Date:	21 March 2018
Subject Land:	(Lot 4) 25 Edwards Street, BLUFF BEACH 5575
Zone:	Settlement Zone, (Map YoP/42)
Nature of Development:	Non Complying
Public Notification:	Category 3
Representations:	2
Referrals:	NIL
Development Plan Version:	31 October 2017

10.03am Representor David Edwards addressed the Panel in support of the application and concluded his speech after 5 minutes.

COMMITTEE RESOLUTION

Moved: Mr Jeffrey Cook

Seconded: Independent Member Debra Agnew

- A. That Development Application 544/1070/2018, that seeks approval to demolish an existing dwelling (Shack) and construction of a single storey detached dwelling with associated verandah and deck and under-roof garage at (Lot 4) 25 Edwards Street, Bluff Beach is not seriously at variance with the Yorke Peninsula Council Development Plan, Consolidated 31 October 2017.**
- B. That Development Plan Consent to Development Application 544/1070/2018 that seeks approval to demolish an existing dwelling (Shack) and construction of a single storey detached dwelling with associated verandah and deck and under-roof garage at (Lot 4) 25 Edwards Street, Bluff Beach, be approved subject to the Concurrence of the State Commission Assessment Panel (SCAP) and the following conditions;**

Conditions

- 1. The development approved herein shall be carried out and completed in accordance with the approved plans and documents submitted with and forming part of**

Development Application No. 544/1070/2018, except where minor amendments may be required by other relevant Acts, or by the conditions imposed on this consent.

2. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across property boundaries and onto the adjoining road
3. Prior to the issue of Development Approval, the applicant shall provide details to the Council of the management and removal of effluent waste from the site. This information shall include details of the septic tank and connection to the Bluff Beach Community Waste-Water Management System. Where necessary, this information should be supported by advice from a qualified engineer.
4. All balustrades or screening devices applied to the deck of the dwelling approved herein shall be designed with transparent properties to permit views of the coast from adjoining dwellings.
5. The driveway shall be constructed with materials which will ensure all weather vehicle movement is provided within the subject land.
6. External material and finishes must be low-light reflective.
7. All site works shall be carried out to the satisfaction of Council.
8. The existing shack shall be removed from the subject land prior to construction commencing on the subject land.
9. The demolition of the shack shall not involve invasive machinery or equipment being driven onto or placed on the existing dune systems which might result in the degradation of the dune system, any associated vegetation and existing coastal protection works.

CARRIED 005/2019 (26/02/2019)

10.08am Independent Member Susan Hadley returned to the Chamber.

10 MATTERS DEFERRED

Nil

11 ERD COURT MATTERS

Nil

12 CONCURRENCE APPROVALS

Tom Saint 544/1138/2018 – Service Trade Premises including office and signage.

KJ Klopp 544/1064/2018 – Dwelling including Garage UMR.

13 PROCEDURAL MATTERS

The Panel was advised about the requirement of completing the SF019 Declaration of Elected/Elected Members Conflict of Interest form prior to a CAP meeting and submitting it to the Minute Secretary.

14 NEXT MEETING

Tuesday 26 March 2019

15 CLOSURE

The Meeting closed at 10.12am.

The minutes of this meeting were confirmed at the Council Assessment Panel Meeting held on 26 March 2019.

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CHAIRPERSON