



Yorke Peninsula Council

Minutes of the Meeting of the Council Development Assessment Panel

held on Tuesday 28th March 2017
in the Minlaton Town Hall,
57 Main Street, Minlaton commencing at 9:30am.

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

(Subject to confirmation)

ITEM 1 COUNCIL DEVELOPMENT ASSESSMENT PANEL

1.1 Welcome by Presiding Member

Chairperson Rodney Button declared the meeting open at 9.34am and welcomed everyone in attendance.

1.2 Present

Mr Rodney Button, Mr John Rich, Mr Peter Tonkin, Mr Jeff Cook, Ms Susan Avey and Ms Deb Agnew

In Attendance

Mayor	Ray Agnew
Mrs Heidi Smith	Planning Officer
Mr Allan Cotton	Senior Development Officer
Mr Roger Brooks	Director Development Services
Mrs Maddy Pulling	Minute Secretary

1.3 Gallery

John Borg, Vivian and Steve Goss

1.4 Apologies

Mr Scott Hoyle

1.5 Minutes of Previous Meeting

Mr John Rich moved Mr Jeff Cook seconded

That the minutes of the Council Development Assessment Panel meeting held on Tuesday 20th December 2016 at 9.30am be confirmed as a true record.

CARRIED DAP #1

1.6 Conflict of Interest

Chairperson 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

ITEM 3 DEVELOPMENT APPLICATIONS

3.1 DA 544/1445/2016 – Magryn and Associates

Mr Jeff Cook moved Mr Peter Tonkin seconded

That Development Application 544/1445/16 for Coastal Protection Works & Seawall at adjacent 188 North Coast Road, Point Turton is not seriously at variance with the District Council of Yorke Peninsula Development Plan, Consolidated 26 November 2015.

That Council Grant Development Plan Consent to Application 544/1445/16 for Coastal Protection Works & Seawall adjacent 188 North Coast Road, Point Turton, subject to the following conditions:

- 1. That except where minor amendments may be required by other relevant Acts, or by the conditions imposed on this consent, the development herein approved shall be carried out in accordance with the approved plans.**
- 2. Prior to the issue of Development Approval a full anthropological assessment and heritage survey shall be undertaken at the site by a qualified heritage consultant prior to any work being undertaken. If the anthropological assessment and heritage survey reveal a reasonable reason to halt the proceedings then the development shall be suspended until the issue can be addressed.**

Disclaimer:

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. Accordingly neither the Yorke Peninsula Council nor any of its agents, officers or delegates accepts any responsibility for any loss of life and property that may occur as a result of such circumstances.

Conditions directed to be imposed by the Coast Protection Board:

The Board has no objection to the proposed development and directs that the following conditions be applied to any approval for the subject development:

- The proposed works are to be in accordance with drawing numbers 16254 0-8 and associated “Technical Specification for Seawall 16254 Rev B’. The conditions of the approval supersede the Technical Specification where there is any variance.**
- Excavation and construction shall be carried out in a manner which minimises environmental impacts on coastal landform.**
- An assessment of the beach and surrounding coastal ecosystem by a suitably qualified person is to occur prior to construction to identify if any threatened species are present and utilising the area. If any threatened species are**

detected within 100 metres of the proposed works further advice must be sought from DEWNR Coastal Scientific Officers (Sharnie Detmar or Felicity Beswick on 8123 3928). It is recommended that the construction works are scheduled between March and August to minimise the likelihood of beach-nesting birds nesting in the area.

- Any imported substrate material or engineered fill to be used shall be free of weeds and pathogens to ensure that noxious weeds or contamination sources are not introduced into the coastal environment.

- It is recommended that stumps and roots, which bind soil, are left in-situ and works and plantings occur around these, if practically possible.

- The works are proposed adjacent to the marine environment and an intertidal reef, these ecosystems can be very sensitive to disturbance. Significant care must be taken during construction and post-construction.

The following measures are to be implemented:

- All machinery and rocks should be washed down and free of sediment and contamination
 - All vehicles and machinery should avoid the intertidal area;
 - The landscaping works must be designed and undertaken to prevent soil from getting into the marine environment, both during construction and from future stormwater runoff. This may be achieved through design at the top of the seawall whereby a 'sediment trap' is included to capture any sediment before it reaches the beach, or by use of coir logs that can minimise runoff and capture soil;
 - Any use of fertiliser must ensure that no excess nutrients can enter the marine
 - environment (eg. leaching, runoff, etc), consideration should be given to the use of
 - slow release fertiliser tablets located in the plant holes to reduce the likelihood of
 - nutrients leaching into the surrounding environment.
 - Any chemicals used for weed control must be safe for use near water environments
 - and only used when weather permits e.g. avoid very windy days to prevent spray
 - drift;
 - No rocks or materials for the works are to be sourced from the intertidal reef;
- Any landscaping should use local native coastal species, avoiding the spread of exotic plants on the coast.

- It is acknowledged that the plant species list provided (in "Technical Specification for Seawall 16254 Rev B") comprises all indigenous coastal species. However, these are all small low growing grasses and shrubs. While coastal views are important to residents, larger coastal species will have greater root mass and, therefore, will generally provide better stabilisation. It is recommended that larger coastal shrubs be included in the landscaping works, these can be located on the lower areas of the slope and between dwellings to minimise the impact on coastal views. For further advice on landscaping, please contact Natural Resources, Northern and Yorke Peninsula on (08) 8841 3400 for specific species lists. The Natural Resource Management Board's Coastal Gardens Planting Guide can be accessed online at: <http://www.naturalresources.sa.gov.au/northernandyorke/getinvolved/nrm-at-home>

The Board advises that the following notes (or similar) are applied to any approval:

Notes:

- The applicant should choose a rock colour that is sympathetic to the landform if possible.

- The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not cause environmental harm.
- The applicant should consult with the Department of Environment, Water and Natural Resources' Crown Lands Unit (Kadina regional office, ph 8821 2588) prior to undertaking the works to ensure that relevant Crown lands approvals and native title rights and interests have been addressed.
- In accordance with the "Technical Specification for Seawall 16254 Rev B", shrubs and trees will be maintained in good health for a period of 90 days – the "establishment period". If safe to do so, landowners should maintain the plants beyond the 90 day time frame, including watering, weeding, pruning and plant replacement when required.

Disclaimer

The Board attaches the following disclaimer to the above advice;

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

CARRIED #2

3.2

DA 544/1446/2016 - Magryn and Associates

Representation, Mr John Borg addressed the Panel regarding his concerns in to the proposed Point Turton Seawall. Mr Borg presented a series of coastal photographs adjacent to his North Coast Road property depicting environmental images to support his concerns that the project could contribute damage to the environment and potentially cause permanent accumulation of seaweed on the beach front. Mr Borg also reiterated to the panel that he does not support the seawall project and therefore if feels it is unfair if he were to be forced to make a financial contribution via his rate payments to the project.

Mr John Rich moved Ms Debra Agnew seconded

That Development Application 544/1446/16 for Coastal Protection Works & Seawall at Lot 1 adjacent 90-124 North Coast Road, Point Turton is not seriously at variance with the District Council of Yorke Peninsula Development Plan, Consolidated 26 November 2015.

That Council Grant Development Plan Consent to Application 544/1446/16 for Coastal Protection Works & Seawall at Lot 1 adjacent 90 – 124 North Coast Road, Point Turton, subject to the following conditions:

1. That except where minor amendments may be required by other relevant Acts, or by the conditions imposed on this consent, the development herein approved shall be carried out in accordance with the approved plans.
2. That prior to Development Approval a full anthropological assessment and heritage survey shall be undertaken at the site by a qualified heritage consultant prior to any work being undertaken. If the anthropological assessment and heritage survey reveal a reasonable reason to halt the proceedings then the development shall be suspended until the issue can be addressed.

Upon current knowledge and information the development and development site is at some risk of coastal erosion and inundation due to extreme tides, or

may be at future risk. Accordingly neither the Yorke Peninsula Council nor any of its agents, officers or delegates accepts any responsibility for any loss of life and property that may occur as a result of such circumstances.

Conditions directed to be imposed by the Coastal Protection Board:

The Board has no objection to the proposed development and directs that the following conditions be applied to any approval for the subject development:

- The proposed works are to be in accordance with drawing numbers 16254 0-8 and associated "Technical Specification for Seawall 16254 Rev B". The conditions of the approval supersede the Technical Specification where there is any variance.

- Excavation and construction shall be carried out in a manner which minimises environmental impacts on coastal landform.

- An assessment of the beach and surrounding coastal ecosystem by a suitably qualified person is to occur prior to construction to identify if any threatened species are present and utilising the area. If any threatened species are detected within 100 metres of the proposed works further advice must be sought from DEWNR Coastal Scientific Officers (Sharnie Detmar or Felicity Beswick on 8123 3928). It is recommended that the construction works are scheduled between March and August to minimise the likelihood of beach-nesting birds nesting in the area.

- Any imported substrate material or engineered fill to be used shall be free of weeds and pathogens to ensure that noxious weeds or contamination sources are not introduced into the coastal environment.

- It is recommended that stumps and roots, which bind soil, are left in-situ and works and plantings occur around these, if practically possible.

- The works are proposed adjacent to the marine environment and an intertidal reef, these ecosystems can be very sensitive to disturbance. Significant care must be taken during construction and post-construction. The following measures are to be implemented:

- All machinery and rocks should be washed down and free of sediment and
- contamination
- All vehicles and machinery should avoid the intertidal area;
- The landscaping works must be designed and undertaken to prevent soil from getting into the marine environment, both during construction and from future stormwater runoff. This may be achieved through design at the top of the seawall whereby a 'sediment trap' is included to capture any sediment before it reaches the beach, or by use of coir logs that can minimise runoff and capture soil;
- Any use of fertiliser must ensure that no excess nutrients can enter the marine environment (eg. leaching, runoff, etc), consideration should be given to the use of slow release fertiliser tablets located in the plant holes to reduce the likelihood of nutrients leaching into the surrounding environment.
- Any chemicals used for weed control must be safe for use near water environments and only used when weather permits e.g. avoid very windy days to prevent spray drift;
- No rocks or materials for the works are to be sourced from the intertidal reef;

- Any landscaping should use local native coastal species, avoiding the spread of exotic plants on the coast.

- It is acknowledged that the plant species list provided (in "Technical Specification for Seawall 16254 Rev B") comprises all indigenous coastal species. However, these are all small low growing grasses and shrubs. While coastal views are important to residents, larger coastal species will have greater root mass and, therefore, will generally provide better stabilisation. It is recommended that larger coastal shrubs be included in the landscaping works, these can be located on the lower areas of the slope and between dwellings to minimise the impact on coastal views. For further advice

on landscaping, please contact Natural Resources, Northern and Yorke Peninsula on (08) 8841 3400 for specific species lists. The Natural Resource Management Board's Coastal Gardens Planting Guide can be accessed online at: <http://www.naturalresources.sa.gov.au/northernandyorke/getinvolved/nrm-at-home>

Notes

- The applicant should choose a rock colour that is sympathetic to the landform if possible.
- The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not cause environmental harm.
- The applicant should consult with the Department of Environment, Water and Natural Resources' Crown Lands Unit (Kadina regional office, ph 8821 2588) prior to undertaking the works to ensure that relevant Crown lands approvals and native title rights and interests have been addressed.
- In accordance with the "Technical Specification for Seawall 16254 Rev B", shrubs and trees will be maintained in good health for a period of 90 days – the "establishment period". If safe to do so, landowners should maintain the plants beyond the 90 day time frame, including watering, weeding, pruning and plant replacement when required.

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The Board attaches the following disclaimer to the above advice;

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

CARRIED #3

3.3

DA 544/1417/2016 – SM Goss

Mr Jeff Cook moved Mr John Rich seconded

That following consideration and having regard to all relevant matters concerning the construction of a new dwelling, garage (umr), alfresco and verandahs at Lot 19 Pebble Beach Road, Port Victoria (Hd Wauraltee) (Development Application 544/1417/2016) the proposal be REFUSED Development Plan Consent, for the following reasons:

The development is at variance with the following provisions of the Yorke Peninsula Council Development Plan (consolidated 26 November 2015):

Primary Production Zone:

Objectives: 1, 2, 4, 6

Principles of Development Control: 2, 5, 9

Interface between Land Uses

Objectives: 1, 2, 3

Principles of Development Control: 2, 5, 15

Orderly and Sustainable Development

Objectives: 1, 2, 3, 4, 6

Principles of Development Control: 1, 2, 4, 5

Mr John Rich moved and Ms Debra Agnew seconded

A. That the Development Assessment Panel resolves that Development Application 544/1468/20X6 for a Dwelling (Transportable), Verandahs and Deck at Section 34, 1168 Balgowan Road, Maitland (Hd Kilkerran) is not seriously at variance with the provisions of the Yorke Peninsula (DC) Development Plan, consolidated 26 November 2015.

B. That following consideration and having regard to all relevant matters concerning the construction of a Dwelling (Transportable), Verandahs and Deck at Section 34, 1168 Balgowan Road, Maitland (Hd Kilkerran) (Development Application 544/1468/2016) 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 a Private Certifier is engaged for Building Rules Consent, the Private Certifier is to provide Council with a certified statement to verify that the Building Rules Consent is consistent with the Development Plan Consent.

3 The underside of the building between the ground and floor level shall be infilled with baseboards or similar to the satisfaction of Council.

4 The Applicant or Landowner shall apply and obtain the necessary approvals for a waste control system in accordance with the South Australian Public Health Act 2011, prior to obtaining Development Approval.

5 Where no mains water is available, the gutters of the dwelling shall be connected to on-site rainwater storage tanks(s) with a minimum capacity of 45, 000 litres, reticulated to the dwelling.

6 Where an unrestricted mains water supply is available, the gutters of the dwelling shall be connected to on-site rainwater storage tank(s) with a minimum capacity of 10, 00 litres capable of reticulation to the dwelling.

7 The land shall be suitably landscaped to the satisfaction of Council and, in particular, plantings which create a buffer between the dwelling and farmed land, shall be established to minimise potential impacts of chemical spray drift and other impacts associated with primary production.

8 Development in a General or Medium Bushfire Risk Area in a Bushfire Protection Area shall:

- Have a dedicated firefighting water supply of at least 5,000 litres to comply with Minister's Code: Undertaking Development In Bushfire Protection Areas**
- Ensure that gaps between the dwelling floor and the ground are enclosed to prevent burning debris from entering**
- Be located and designed to minimise 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.**

CARRIED#4

ITEM 4 ANY OTHER BUSINESS

4.1 Matters Deferred

Nil

4.2 ERD Court Matters

Nil

4.3 Procedural Matters

Nil

4.3.1 Concurrence Approvals

Nil

4.3.2 Other Business

ITEM 5 NEXT MEETING

To be advised.

ITEM 6 CLOSURE

The meeting closed at 10.20am

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Presiding Member – Mr Rodney Button

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