COUNCIL ASSESSMENT PANEL

Minutes of the Meeting held on 26 May 2020 at 10:00am in the Tailem Bend Coorong District Council Civic Centre, 95-101 Railway Terrace, Tailem Bend

1. Welcome

Meeting opened at 10.05am

Presiding Member welcomed

2. Present

Bruce Ballatyne (Presiding Member)
Glynis Taylor (Council Member) (Via online Zoom)
Graham Gaston (Independent Member)
Graham Gates (Independent Member)

In Attendance:

David Altmann (Assessment Manager)
Louise Henderson (Planning Officer)
Belinda Paterson (Development Administration Officer)

Apologies

Cherry Getsom (Independent Member)

3. Conflict of Interest Declarations

Nil

4. Confirmation of Minutes

Moved Graham Gates

That the minutes of the Council Assessment Panel meeting held on the 11 February 2020 as circulated to Members be taken as read.

Seconded G Gaston

CARRIED

Business Arising from the Minutes

Nil

6. Development Assessment Matters

6.1 Development Application 571-117-19

Proposal facility

Location

Applicant

Food Van (shop), car parking and associated toilet
Section 26 in H410500, 8 Salt Creek Road, Salt Creek
Pearson

Representor Adam Stewart addressed the Panel.
Applicant Mandell Tiver responded to the representor Adam Stewart concerns and questions from Panel members.

The Panel discussed the application and reached the following decision;

Moved: Graham Gaston

(1) Following a detailed assessment of the proposal against the provisions of the Coorong District Council Development Plan:

(a) The Council Assessment Panel Determines that pursuant to Section 35 (2) of the Development Act 1993, the proposal is not seriously at variance with the relevant provisions of the Coorong District Council Development Plan Consolidated 29 November 2018

(b) The Council Assessment Panel, pursuant to Section 33 of the Development Act 1993, determines to GRANT Development Plan Consent to Development Application Number 571-117-19 by Pearson, for a food van (shop), car parking and associated toilet facility, subject to the conditions listed below.

DEVELOPMENT PLAN CONSENT CONDITIONS

(1) That the proposal shall be developed in accordance with the details and approved plans stamped by Council and held in file 571-117-19 except where varied by the conditions below.

Reason: To ensure the development is undertaken and operated in accordance with the application details.

(2) The site shall be kept neat and tidy at all times.

Reason: To maintain and enhance the amenity of the locality.

(3) No unreasonable disturbance or pollution of the locality shall be created by the way of dust, pollution, noise, odour, electrical interference or other means

Reason: To maintain and enhance the amenity of the locality.

(4) No on site advertising shall take place without the prior consent of Council

Reason: To ensure development approval is obtained in accordance with the Development Act 1993.

(5) The hours of operation will be typically 10:00am-2:00pm 7 days of the week.

Reason: To ensure the proposal is established in accordance with the application details.

(6) All of the carparking, driveway and vehicle manoeuvring are shall be constructed with sufficient crushed rock and aggregate to provide a smooth and durable surface free from mud and dust, prior to the occupation or use of the development and maintained to the satisfaction of Council.

Reason: To provide all weather parking and vehicle access.

These Minutes are unconfirmed and will be confirmed at the next Council Assessment Panel Meeting
DEVELOPMENT PLAN CONSENT NOTES

(1) This consent is valid for thirty six (36) months only. If development is not substantially commenced within twelve (12) months of the date of this consent and substantially completed within thirty six (36) months of the date of this consent, a fresh consent must be obtained prior to commencing or continuing the use of the land.

(2) Please be aware that Council is only granting a 12 month approval under the SA Public Health Act 2011 for the temporary toilet facility. Should Council not grant a further authorisation at the end of that 12 month period activity herein approved under the 1993 Development Act would need to cease.

(3) If applicants wish to dispose of greywater and blackwater into the existing septic tank on the land a wastewater application for the connection of the greywater and the blackwater from the portable toilet into the existing septic system will be required.

(4) That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the developer or owner.

(5) The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8124 4744.

(6) The portion of land between Salt Creek Road and the DPTI Controlled Truck Ancillary Parking Bay is a crossing place for the portion of land (CT51 50/802) - therefore under the local government act the land owner must maintain this crossing place to the satisfaction of Council.

Seconded: Graham Gates

CARRIED

6.2 Development Application 571- D012-19
Proposal Land Division (1 lot into 2 lots) – non-complying
Location Lot 16 in DP 36663, Narrung
Applicant Swan

Applicant Kerry Swan responded to queries and questions from Panel members.

The Panel discussed the application and reached the following decision;

Moved: Graham Gaston

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(1) Following a detailed assessment of the proposal against the provisions of the Coorong District Council Development Plan:

(a) The Council Assessment Panel Determines that pursuant to Section 35 (2) of the Development Act 1993, the proposal is not seriously at variance with the relevant provisions of the Coorong District Council Development Plan Consolidated 29 November 2018

(b) The Council Assessment Panel, pursuant to Section 33 of the Development Act 1993, determines to GRANT Development Plan Consent to Development Application Number 571-117-19 by Pearson, for a food van (shop), car parking and associated toilet facility, subject to the conditions listed below

DEVELOPMENT PLAN CONSENT CONDITIONS

(1) Development is to take place in accordance with the supporting documentation and plans relating to Development Application Number 571/D012/19, except as modified by any conditions attached to this Decision Notification.

State Commission Assessment Panel

(2) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume I (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Minister for River Murray

(3) During any works or construction activities associated with the land division, the subject land must be managed to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained, to ensure no pollutants (including excavation or fill material) enter the River Murray system.

DEVELOPMENT PLAN CONSENT NOTES

EPA

(1) The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

(2) EPA information sheets, guideline documents, codes of practice, technical bulletins, etc can be accessed on the following web site: www.epa.sa.gov.au

Minister for River Murray

- The applicant is advised of their general duty of care to take all reasonable measures to prevent any harm to the River Murray through his or her actions or activities.
- Prior to the clearance of native vegetation for any purpose, the applicant should consult the Native Vegetation Council to determine relevant requirements under the Native

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Vegetation Act 1991 and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9777 or visit: http://www.nvc.sa.gov.au.

- If there is any use of water from the River Murray Prescribed Watercourse or wells that may be affected by the land division, or if it is intended to use water from these resources to service the new allotments, the interested parties should contact the Department for Environment and Water (DEW) to ensure relevant requirements under the Natural Resources Management Act 2004 are met. Further, a permit is required from DEW for any work to be carried out on a well or for new wells to be drilled. For further information contact the DEW Water Licensing Branch on telephone 8595 2053 or visit: https://www.environment.sa.gov.au/ licences and permits/ water-licence-and-permit forms. The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land.

- Under section 20 of the Aboriginal Heritage Act 1988 (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects and remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act. For further

Seconded: Glynis Taylor

CARRIED

7. General Business

7.1 COUNCIL ASSESSMENT PANEL (CAP) OPERATING PROCEDURES (COVID 19)

Panel Members discussed changes to meeting procedures and further changes to come with the new legislation coming out.

Moved Glynis Taylor

Recommendations

That in reliance on Section 17 of the COVID Act, on 26 May 2020, the Council Assessment Panel adopts the following temporary inclusions/amendments to the Operating Procedures. These will operate until the Expiry Day of the COVID Ac;
Definitions

The following definitions apply in relation to these temporary inclusions/amendments:

- connect means able to hear and/or see the meeting by electronic means, including via a live stream
- disconnect means to remove the connection so as to be unable to hear and see the meeting
- electronic means includes a telephone, computer or other electronic device used for communication
- live stream means the transmission of audio and/or video from a meeting at the time the meeting is occurring.

Inclusions/amendments

- Where attendance at the meeting is able to occur by electronic means (in whole or in part), the Notice of Meeting to include details of how to connect to the meeting; and where the meeting is to be live streamed for viewing by members of the public, include details of how to access and/or connect to the live stream
- One or more Panel members may attend a meeting via electronic means
- A Member attending a meeting by electronic means is taken to be present at the meeting provided that the Member
  - can hear and, where possible, see all other Members who are present at the meeting
  - can hear and, where possible, see, all representors (or their representatives) and applicants (or their representatives) who speak at the meeting
  - can be heard and, where possible, seen by all other Members present at the meeting
  - can be heard and, where possible, seen by the person recording the minutes of the meeting.
- Where a meeting occurs via electronic means, it shall (to the extent that the public is not able to physically attend the meeting) be live streamed.
- Where a meeting is being live streamed, the live stream shall be disconnected only during those parts of the meeting during which the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations
- Where the public has been excluded from attendance pursuant to Regulation 13(2) of the Regulations, the Assessment Manager or a person nominated by the Assessment Manager shall ensure that all parties except for CAP members disconnect from or are disconnected from the meeting
- Provisions relating to persons being heard by the CAP are satisfied if a representor or applicant (as the case may be) appears via electronic means. The Presiding Member may require that any such appearance be via electronic means
- The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave or disconnect from a meeting where he or she is, in the opinion of the Presiding Member, behaving in a disorderly manner or causing an interruption or disruption to the meeting
- The minutes will include a record of the method of attendance by all Members present and by every person who makes or responds to a representation.

Second Graham Gates Carried

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7.2 COUNCIL ASSESSMENT PANEL (CAP) DELEGATIONS

Moved Glynis Taylor

RECOMMENDATION

1. The Coorong District Council Assessment Panel (CAP) determines, that in exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and regulations made thereunder contained in the proposed Instrument of Delegation (annexed to the Report dated 26 May 2020 and entitled Instrument of Delegation and marked Appendix H) are hereby delegated this 26th of May 2020 to the Assessment Manager subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

2. The Coorong District Council Assessment Panel (CAP) determines, that such powers and functions may be further delegated by the Assessment Manager in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Assessment Manager sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

3. The Coorong District Council Assessment Panel (CAP) determines to act under Section 99(1)(b) of the Planning, Development and Infrastructure Act 2016 (the Act) in relation to all development applications received by it that involve the performance of building work.

4. The Coorong District Council Assessment Panel (CAP) determines, pursuant to Section 99(1)(c) of the Act, where the CAP has determined to act under Section 99(1)(b) of the Act, CAP refers the assessment of the development in respect of the Building Rules to the Coorong District Council.

Second Graham Gates Carried

8. Future Applications Nil

9. Closure Meeting closed at 11.07am

Minutes taken as read and confirmed on day of 2020

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