KANGAROO ISLAND COUNCIL

Minutes of the Council Assessment Panel Meeting held at the Kangaroo Island Council Chambers, Dauncey Street, Kingscote on 16 December 2019 at 1:30 pm

OPENING

Chairperson Jayne Bates declared the 16 December 2019 meeting of the Council Assessment Panel open at 1:30pm.

PRESENT

Jayne Bates (Chairperson), Cr. Peter Denholm, Roger Hartley, David Ellis, Jackie Kelly, Aaron Wilksch (Manager - Development & Environmental Services) & Monika Matej (Development & Environmental Services)

1.0 APOLOGIES

Nil

2.0 CONFLICT OF INTEREST DECLARATION

Roger Hartley declared conflict of interest re Item 8.1 – as the owner / applicant

3.0 REPRESENTATIONS

Nil

4.0 CAP MINUTES OF MEETING HELD 1 JULY 2019 (YELLOW PAGES)

That the Minutes of the Council Assessment Panel Meeting held on 1 JULY 2019 be confirmed.

Moved: Jackie Kelly Seconded: David Ellis
CARRIED

5.0 BUSINESS ARISING FROM MINUTES OF 1 JULY 2019

Nil

6.0 DEVELOPMENT SERVICES DEPARTMENT REPORTS

That the Department and Environmental Services Reports be received.

Recommendation:
That the Development & Environmental Services Department Reports be received.

Moved: Peter Denholm Seconded: Jackie Kelly
CARRIED

7.0 DEVELOPMENT SERVICES DEPARTMENT APPLICATIONS JUNE - NOVEMBER 2019

Register of planning and building applications report tabled for Council Assessment Panel information.
RECOMMENDATION

That the report detailing applications approved and / or being processed under delegated authority by the Development and Environmental Services Department be received and noted.

Moved: Peter Denholm	Seconded: David Ellis
CARRIED

8.0 APPLICATIONS REQUIRING COMMITTEE DECISION

Individual reports are attached hereabouts for committee decision.

- 1.35pm Roger Hartley declared interest in Item 8.1 and vacated his position on panel.
- Roger Hartley gave addressed the Panel as the applicant regarding withdrawn representation.
- 1.38pm Roger Hartley vacated Chambers.

ITEM 8.1

RECOMMENDATION

The Development Assessment Panel resolve (i) that the development application is not at serious variance with the Kangaroo Island Development Plan consolidated 17 September 2015, and (ii) the panel resolve to approve Land Division Application 520/D004/19 for division of 1 allotment into 2 allotments, at Lot 105 DP12638 in the Hundred of Haines for Mr. R.E.R. Hartley c/- Weber Frankiw & Associates Pty. Ltd. subject to Council's favourable resolution to accept the proposed amendment / replacement Section 57A Land Management Agreement, and its deposit with the Land Titles Office, before further proceeding to seek concurrence of the State Commission Assessment Panel (SCAP) subject to (but not limited) to the following conditions of consent:

Kangaroo Island Council Planning & Land Division Conditions:

1. The Development herein approved must, except as varied by the conditions of consent, be carried out in accordance with the approved plans prepared by Weber Frankiw & Associates Pty. Ltd. marked ‘CAD Ref: 232108div’ and details to the satisfaction of Council.

Note -

You have a right of appeal against the conditions which have been imposed on this Development Plan consent or Development Approval.

Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day on which you receive this notice or such longer time as the Court may allow.

Please contact the Court if you wish to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, Ph.: 8204 0300.

State Commission Assessment Panel – 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 and guidelines) issued by the registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Moved: Jackie Kelly	Seconded: Peter Denholm
CARRIED

RECOMMENDATION:

That the panel make recommendation to Council that it enters the proposed LMA (substituting the existing LMA) for Mr. R.A.R. Hartley in respect of his land at Lot 105 DP12638 Hundred of Haines in association with Land Division Application 520/D004/19.

Moved: Jackie Kelly                Seconded: David Ellis
CARRIED

- Roger Hartley re-entered Chambers at 1.58pm

ITEM 8.2

RECOMMENDATION

The Council Assessment Panel (i) resolve that the Development Application is not seriously at variance with the Kangaroo Island Development Plan consolidated 17 September 2015, and (ii) the panel resolve to approve Development Application 520/157/19 for the establishment of a shed at Allotment DP66109, 72 Summervista Boulevard in the Hundred of Menzies, identified in CT 5928/322. By the applicant and owner Mr. Patrick Smith, subject to (but not limited to) the following conditions of consent.

Kangaroo Island Council – Planning Conditions:

1. The Development herein approved must, except as varied by the condition of consent be carried out in accordance with the approved plans and details to the satisfaction of Council.

2. The building shall not be used for any purpose other than that described on this notification.

3. All excess stormwater from roofed buildings, sealed areas and tank overflows shall be discharged within the allotment boundaries so that no erosion, nuisance or inconvenience will occur off-site.

4. There shall be no human habitation of the shed herein approved. Human habitation includes overnight and weekend accommodation. Changing the use of a building or structure without approval is a contravention of the Development Act 1993, and can result in legal action under the Act, and may incur significant penalty.

5. The development shall not impair the amenity of nearby areas by way of nuisance or inconvenience to neighbouring properties. In this regard, the site must be kept in a neat and tidy manner at all times and no unreasonable disturbance or pollution to the amenity of the locality shall be created by way of dust, pollution, noise, electrical interference or other means.

6. The building must not be used as a commercial workshop of for the purpose of storing machinery for use within the shed. Only those activities normally associated with domestic shed may be undertaken provided such activities do not impair the residential amenity of the locality.

7. Rainwater tanks shall be situated immediately adjacent to the northern end wall of the shed in accordance with the approved plans and details.

Note -

Note - Building Site Fire Safety Requirements
The applicant/owner shall ensure that there is adequate water supply and hoses or prescribed water spray fire fighting implement in accordance with Regulation 41 of the
Fire and Emergency Services Act 2005 available on site during the performance of building work in order to prevent the outbreak of fire at the premises, or the spread of fire from the premises Pursuant to Subdivision 6 of the Fire and Emergency Services Act 2005. Maximum Penalty $10,000.00

Note -
You have a right of appeal against the conditions which have been imposed on this provisional Development Plan consent or Development Approval.

Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day on which you receive this notice or such longer time as the Court may allow.

Please contact the Court if you wish to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, Ph. 8204 0300.

Note -
Class 10 Notification - Regulation 74
A person undertaking building work (Class 10) must give Council one business day notice of commencement of the building work.

Moved: David Ellis  Seconded: Roger Hartley
CARRIED

ITEM 8.3
RECOMMENDATION

The Development Assessment Panel resolve (i) that the development application is not at serious variance with the Kangaroo Island Development Plan consolidated 17 September 2015, and (ii) the panel resolve to approve Land Division Application 520/D011/19 for realignment of 2 allotments into 2 allotments, at Allotment 1 & 2 on DP69691 Hundred of Menzies for Messrs J. & B. Turner & G. Turner, c/- Weber Frankiw & Associates P/L and to proceed to seek concurrence of the State Commission Assessment Panel (SCAP) subject to (but not limited) to the following conditions of consent:

Kangaroo Island Council Planning Conditions:

1. The Development herein approved must, except as varied by the conditions of consent, be carried out in accordance with the approved plans prepared by Weber Frankiw & Associates P/L. marked ‘CAD Ref: 293206div.’ and details to the satisfaction of Council.

Note -
You have a right of appeal against the conditions which have been imposed on this Development Plan consent or Development Approval.

Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day on which you receive this notice or such longer time as the Court may allow.

Please contact the Court if you wish to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, Ph.: 8204 0300.

State Commission Assessment Panel - Land Division Conditions:

3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and guidelines) issued by the registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Moved: David Ellis  Seconded: Jackie Kelly
CARRIED
ITEM 8.4

RECOMMENDATION

The Council Assessment Panel (i) resolve that the Development Application is not seriously at variance with the Kangaroo Island Development Plan consolidated 17 September 2015, and (ii) the panel resolve to approve Development Application 520/149/19 for the establishment of the proposed 3 signs located at Allotment DP40022, Willsons Road, in CT 5343/329 and Allotment 102 Deposited Plan 40022, South Coast Road, identified in CT 6091/458 in the Hundred of MacGillivray by the applicant and owner Mr. L & Mrs.B Turner, and to proceed to seek concurrence of the State Commission Assessment Panel (SCAP) subject to (but not limited) to the following conditions of consent:

Kangaroo Island Council - Planning Conditions:

1. The Development herein approved must, except as varied by the condition of consent be carried out in accordance with the approved plans and details to the satisfaction of Council.
2. The building shall not be used for any purpose other than that described on this notification.
3. The site must be kept in a neat and tidy manner at all times.
4. The sign and its supporting structure shall at all times be kept in good repair and condition to the reasonable satisfaction of Council.
5. No sign shall be placed on the site that moves, flashes, reflects light so as to be an undue distraction to motorists or is internally illuminated.
6. The signage herein approved shall be maintained at all times in association with, and for the benefit of the business operations carried out upon the subject land, and shall be removed upon any cessation of the business operation on the subject land, or be caused to be removed in accordance with Section 74 of the Act, where no longer associated with the carrying on of business.

Note - You have a right of appeal against the conditions which have been imposed on this provisional Development Plan consent or Development Approval. Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day on which you receive this notice or such longer time as the Court may allow.

Please contact the Court if you wish to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, Ph. 8204 0300.

Note - Class 10 Notification - Regulation 74
A person undertaking building work (Class 10) must give Council one business day notice of commencement of the building work.

Moved: Peter Denholm Seconded: Roger Hartley
CARRIED

9.0 LAND DIVISION APPLICATIONS - APPROVED UNDER DELEGATED AUTHORITY (GREEN PAGES)

JUNE-NOVEMBER 2019
10.0 GENERAL BUSINESS

Verbal updates provided on the following:

10.1 Submission of Planning & design Code to SCAP
10.2 Response to SCAP on Smith Bay EIS Addendum
10.3 Refusal by Council of Amadio LMA – Emu Bay
10.4 Accreditation

11.0 CONFIDENTIAL REPORTS

NIL

NOTE - Pursuant to Section 56A (12) of the Development Act 1993 the Panel reserve the right to move proceedings ‘in camera’ for deliberations of Development Applications to be considered under Section 11.0 of this Agenda.

NIL

CLOSURE

The Chairperson Jayne Bates declared the meeting closed AT 2.36pm

The minutes of the 16 December 2019 Council Assessment Panel will be confirmed at the next Council Assessment Panel meeting.

Signed……………………………
Chairperson Jayne Bates