



**Minutes of the Fleurieu Regional Assessment Panel meeting  
held in the Alexandrina Council Community Chambers "Wal Yuntu Warrin", Goolwa,  
on 19 December 2023 commencing at 11:00 am**

**We acknowledge the Kurna and Ngarrindjeri people, the traditional custodians of this land and waters, and pay our respects to their elders past, present and emerging**

**PRESENT**

Michael Doherty (Chair), Ross Bateup, Kate Shierlaw, Sue Giles, Cr Bill Coomans.

**APOLOGIES**

Nil

**IN ATTENDANCE**

Matt Atkinson (Assessment Manager), Kirsty Tapp (Senior Planner, Yankalilla), Clare Wright (Team Leader Planning Assessment, Alexandrina), Seb Anderson (Town Planner, Alexandrina)

**ITEM 1. CONFIRMATION OF MINUTES**

Minutes of the Fleurieu Regional Assessment Panel held on 21 November 2023.

**RECOMMENDATION**

**Moved Bill Coomans, Seconded Kate Shierlaw, that the Minutes of the Fleurieu Regional Assessment Panel held on 21 November 2023 as circulated to members be received as a true and accurate record.**

**CARRIED UNANIMOUSLY**

**ITEM 2      CONFLICT OF INTEREST**

NIL

**ITEM 3      DEVELOPMENT APPLICATIONS - DEVELOPMENT ACT 1993**

NIL

**ITEM 4     DEVELOPMENT APPLICATIONS - PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016****ITEM 4.1**

<b>DEVELOPMENT NO.:</b>	23018275
<b>APPLICANT:</b>	Jones Recovery Pty Ltd.
<b>ADDRESS:</b>	23 Stacey Drive, Carrickalinga
<b>NATURE OF DEVELOPMENT:</b>	Detached Dwelling- Two-storey with Balcony & Carport
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"><li>• Neighbourhood</li></ul> <b>Overlays</b> <ul style="list-style-type: none"><li>• Hazards (Bushfire - Urban Interface)</li><li>• Hazards (Flooding - Evidence Required)</li><li>• Native Vegetation</li><li>• Prescribed Water Resources Area</li></ul>
<b>LODGEMENT DATE:</b>	5 <sup>th</sup> July, 2023
<b>RELEVANT AUTHORITY:</b>	Fleurieu Regional Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Version 2023.9 (Operational 29 June, 2023 to 19 July, 2023)
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes <ul style="list-style-type: none"><li>• 1 representation received:<ul style="list-style-type: none"><li>○ 1 - supports the development with concerns &amp; wishes to be heard</li></ul></li></ul>
<b>RECOMMENDING OFFICER:</b>	Kirsty Tapp Senior Planner
<b>REFERRALS STATUTORY:</b>	Nil.
<b>REFERRALS NON-STATUTORY:</b>	Nil.
<b>RECOMMENDATION</b>	Grant Planning Consent

The Chair called for Representors.

No Representors were present.

The Chair invited the Applicant Allan Franca, from TS4 Living, to answer questions from the Panel.

Allan answered questions of the Panel from 11:05am to 11:07am.

### **DECISION**

Moved Kate Shierlaw, Seconded Ross Bateup, that the Fleurieu Regional Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 23018275, by Jones Recovery Pty Ltd is GRANTED Planning Consent subject to the following conditions;

### **PLANING CONSENT CONDITIONS**

#### **Assessment Panel**

1. Development shall proceed in accordance with the plans and written documentation accompanying the application, unless varied by the following conditions.
2. The external finishes to the building or structure herein approved shall be in accordance with the materials as specified in the application now approved.
3. Stormwater shall be diverted away from the building and shall not pond against or near the footings and shall not be discharged onto adjoining land. Where drainage is directed to the street water table, this shall be by way of a Council approved stormwater drainage system.
4. All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is shown on the approved plan as required for building work and/or access purposes. All exposed faces around such scarred areas and spoil shall be screened with trees and shrubs and covered with suitable ground cover to the reasonable satisfaction of Assessment Manager.
5. During construction of the development, hay bales (or other soil erosion control methods as approved by Council) shall be placed above and below the excavated/filled site to prevent soil moving off the allotment during periods of rainfall.
6. Any retaining wall required to ensure the stability of adjoining land shall be constructed as soon as practicable after the excavation and/or prior to the filling being undertaken and in all instances, prior to the commencement of the construction of the dwelling.
7. The upper-level windows pertaining to what has been identified as the lounge windows (two), as identified on Floor Plan, Main Level A2.1 CD-1 and North Elevation and South Elevation A3.1 CD-1, forming part of this submission, shall be permanently obscured to the reasonable satisfaction of the Assessment Manager, prior to occupation of the development.

## ADVISORY NOTES

### Assessment Panel

1. The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).
2. This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Authority).
3. Allotment boundaries will not be certified by Council staff. The onus of ensuring that the building is sited in the approved position on the current allotment is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.
4. It is the builder's responsibility;
  - to ensure the Council's footpaths, roads, kerbing and drainage pits etc. are protected from damage during the construction of the development
  - to provide the necessary signage on the footpath and road, where hazards are created as a result of the development
  - to repair any portion of Council's infrastructure damaged as a result of work undertaken on the
  - allotment or associated with the construction on the allotment.

To limit damage, a single temporary access location to the frontage of the allotment (i.e. the future driveway location) is to be established and utilised for machinery, delivery of building materials and general vehicular access. If required, existing footpath paving can be removed during the construction period to define the access location, and relayed at the completion of construction.

Council is to be supplied with dated photos and measurements of any defects that existed prior to the commencement of work; otherwise it will be assumed that all damage was caused during construction.

Reinstatement of damaged infrastructure must be carried out to the satisfaction of the Council. Failure to do so will result in such repairs being carried out by the Council and invoiced to the builder.

5. All work undertaken within the road verge between the property boundary and the carriageway edge requires approval from Council.  
Approval shall be obtained for the following activities;
  - construction of a driveway across Council verge
  - underground electrical connection

- **stormwater connection from property to the road**
  - **landscaping or earthworks including filling, retaining walls, removal and/or planting of vegetation**
6. **Please be advised that where a Private Certifier is appointed to undertake the Building Rules Assessment, Council does not provide a service of advising the Private Certifier of site conditions or any matters relevant to the building assessment. It is recommended that Private Certifier undertakes his or her own investigations and inspection of the site to become acquainted with site conditions and any other relevant matter.**

**CARRIED UNANIMOUSLY**

## ITEM 4.2

<b>DEVELOPMENT NO.:</b>	23013543
<b>APPLICANT:</b>	Simon Magor
<b>ADDRESS:</b>	LOT 1 SEAGULL AV CHITON SA 5211
<b>NATURE OF DEVELOPMENT:</b>	Construction of a two-storey detached dwelling and freestanding outbuilding (garage) including associated earthworks and retaining walls
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Affordable Housing</li> <li>• Hazards (Bushfire - Urban Interface) (Urban Interface)</li> <li>• Hazards (Flooding - Evidence Required)</li> <li>• Native Vegetation</li> <li>• Prescribed Water Resources Area</li> <li>• Traffic Generating Development</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) (Maximum building height is 8m)</li> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 9m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 350 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 2 levels)</li> </ul>
<b>LODGEMENT DATE:</b>	10 May 2023
<b>RELEVANT AUTHORITY:</b>	Fleurieu Regional Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Version 2023.13 (Operational 31 August 2023 to 13 September 2023)
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>PUBLIC NOTIFICATION:</b>	<p>Yes</p> <ul style="list-style-type: none"> <li>• 1 representation received: <ul style="list-style-type: none"> <li>• 1 – Support with concerns</li> </ul> </li> <li>• 1 representor wishes to be heard.</li> </ul>
<b>RECOMMENDING OFFICER:</b>	Seb Anderson

	Town Planner
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil
RECOMMENDATION	Grant Planning Consent

The Chair called for Representors.

Lynn and Charles Whish addressed the Panel from 11:14am to 11:18am and answered questions of the Panel from 11:18am to 11:22am.

Mark Rawson addressed the Panel from 11:22am to 11:24am and answered questions of the Panel from 11:24am to 11:26am.

### **DECISION**

Moved Bill Coomans, Seconded Ross Bateup, that the Fleurieu Regional Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 23013543, by Simon Magor is GRANTED Planning Consent subject to the following conditions:

### **PLANNING CONSENT CONDITIONS**

#### **Assessment Panel**

1. The development granted *Planning Consent* shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. The external colours and materials of the building or structure herein approved shall be in accordance with the details specified in the application now approved.

**Reason:** To maintain and enhance the visual amenity of the locality in which the subject land is situated

3. All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is shown on the approved plan as required for building work and/or access purposes. All exposed faces around such scarred areas and spoil shall be screened with trees and shrubs and covered with suitable ground cover to the reasonable satisfaction of the Authority.



**Reason:** To ensure that excavations and filled land is stable and will not result in any adverse impact on adjoining properties.

4. All stormwater drainage and construction shall be in accordance with Australian Standard AS 3500.3.2015 (part 3) to ensure that stormwater does not flow or discharge onto land of adjoining owners or adversely affect structures on the site, or the public road.

**Reason:** To ensure stormwater is disposed of in a controlled manner.

5. That the existing mature vegetation along the western boundary be retained where possible and maintained to the satisfaction of Council.

## **ADVISORY NOTES**

### **Assessment Panel**

1. The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).
2. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
3. This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Authority).
4. The applicant is reminded of their general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.
5. Allotment boundaries will not be certified by the Authority. The onus of ensuring that the building is sited as illustrated on the approved plans is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.
6. The applicant is reminded of their obligations under the Local Nuisance and Litter Control Act 2016 and the Environment Protection Act 1993, in regard to the appropriate management of environmental impacts and matters of local nuisance.  
The Applicant/ Builder must, for the duration of construction, take action to control, minimise or eliminate (as far as reasonable practical) any local nuisance including (but not limited to)

**noise, dust, vibration, odour, fumes or aerosols that may be created by the construction work that may have an adverse effect on the amenity of the locality.**

- 7. The attached consent is limited to works within the boundaries of the allotment. Any works external to the allotment boundaries including but not limited to, driveway crossovers and/or tree removals or proposed tree relocations require a separate permit under the Local Government Act. Please contact Alexandrina Council's Engineering Department on 8555 7000 for further information regarding a permit.**

**CARRIED UNANIMOUSLY**

## ITEM 4.3

<b>DEVELOPMENT NO.:</b>	23023355
<b>APPLICANT:</b>	Resthaven Incorporated
<b>ADDRESS:</b>	Lot 1000 Ocean Road Chiton
<b>NATURE OF DEVELOPMENT:</b>	Expansion of existing retirement facility, comprising eleven (11) dwellings, private road, fencing, retaining walls, visitor caravan and boat parking areas and community garden
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Neighbourhood Zone</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Hazards (Flooding – Evidence Required)</li> <li>• Hazards (Bushfire – Urban Interface)</li> <li>• Murray-Darling Basin</li> <li>• Native Vegetation</li> <li>• Prescribed Water Resources Area</li> <li>• River Murray Tributaries Protection Area</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Maximum Building Height (Metres) (Maximum building height is 8m)</li> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 9m; row dwelling is 7m; group dwelling is 20m; residential flat building is 20m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 500 sqm; semi-detached dwelling is 500 sqm; row dwelling is 500 sqm; group dwelling is 500 sqm; residential flat building is 500 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 2 levels)</li> </ul>
<b>LODGEMENT DATE:</b>	22 September 2023
<b>RELEVANT AUTHORITY:</b>	Fleurieu Regional Assessment Panel
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	Operative Version 2023.13 (17 August 2023)
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	<p>Yes</p> <ul style="list-style-type: none"> <li>• 4 representations received – one (1) opposes the development and three (3) support the proposal with concerns</li> <li>• No representors wish to be heard by the Panel</li> </ul>

<b>RECOMMENDING OFFICER:</b>	Clare Wright Team Leader Planning Assessment
<b>REFERRALS STATUTORY:</b>	Nil
<b>REFERRALS STATUTORY:</b> <b>NON-</b>	<ul style="list-style-type: none"><li>• CWMS</li><li>• Traffic</li><li>• Environmental Health</li></ul>
<b>RECOMMENDATION</b>	Grant Planning Consent

The Chair invited the Applicant's representative Greg Vincent, from Masterplan, to answer questions from the Panel.

Greg answered questions of the Panel from 11:43am to 12:10am.

### **DECISION**

Moved Kate Shierlaw, Seconded Ross Bateup, that the Fleurieu Regional Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 23023355, by Resthaven Incorporated is GRANTED Planning Consent subject to the following conditions and reserved matters;

### **RESERVED MATTERS**

1. Pursuant to Section 102(3) of the Planning, Development and Infrastructure Act 2016, the following matters shall be reserved for further assessment, to the satisfaction of Council, prior to the granting of Development Approval:
  - Prior to Development Approval, the applicant shall enter into an Infrastructure Agreement (or other form of legal arrangement) with the City of Victor Harbor and Alexandrina Council for any alteration to on-street car parking and/or works within the public realm situated within the road reserve of Ocean Road. The Applicant shall prepare detailed design drawings for all works, and must consider impacts on existing street infrastructure/furniture including existing on-street car parking.
  - Prior to Development Approval, submission of a final detailed Civil Site Works and Stormwater Management Plan prepared to the satisfaction of Council. The plan shall provide full details of the upgrade to the existing SEP and demonstrate the direction of stormwater flow to the existing wetlands and lakes located to the east of the subject land.

**Note - Further conditions may be imposed on the Planning Consent in respect of the above matters.**  
**PLANNING CONSENT CONDITIONS**

**Assessment Panel**

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
- 2. The development shall achieve the criteria of the Environment Protection (Noise) Policy 2007 at all times.**
- 3. Any noise source or fixed plant or generators must be housed within a suitably designed enclosure to the reasonable satisfaction of council.**

**Reason: To mitigate any noise impacts and maintain amenity of surrounding sensitive receivers**

- 4. The external colours and materials of the building or structure herein approved shall be in accordance with the details specified in the application now approved.**

**Reason: To maintain and enhance the visual amenity of the locality in which the subject land is situated**

- 5. All scarring or physical disturbances of the land surface during any excavation work shall be restricted to only that which is shown on the approved plan as required for building work and/or access purposes. All exposed faces around such scarred areas and spoil shall be screened with trees and shrubs and covered with suitable ground cover to the reasonable satisfaction of the Authority.**

**Reason: To ensure that excavations and filled land is stable and will not result in any adverse impact on adjoining properties.**

- 6. The applicant or other approved persons for the time being making use of the subject land now approved, shall at all times maintain in good and substantial condition to the reasonable satisfaction of the Authority in all respects the subject land (including car parking areas, driveways and footpaths), all buildings and structures (and the external painting thereof), and all tree and shrub plantings and grassed areas.**

**Reason: To maintain the amenity of the locality.**

- 7. External lighting and security lighting shall be directed in such a manner so as to not, in the opinion of the Authority, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.**

**Reason: To ensure that floodlighting does not cause nuisance or danger to adjoining occupiers or road users thereby reducing the amenity of the locality and/or making road use unsafe.**

8. Landscaping as detailed in the application herein approved shall be planted within 3 months from the date of completion of building works in each respective stage, and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced within the next available growing season if and when it dies or becomes seriously diseased.

Reason: To ensure landscaping is established and that it is well maintained.

9. All materials and goods shall at all times be loaded and unloaded within the confines of the subject land. Materials and goods shall not be stored on the land in areas delineated for use as car parking.

Reason: To provide safe and efficient movement of people and goods.

10. Collection of commercial waste shall be undertaken by a licenced contractor and must be collected from within the confines of the subject land. Waste bins shall be kept out of view from public areas.

Reason: To ensure the development does not have a detrimental impact on the amenity of the locality.

11. All car parking areas, driveways and vehicle manoeuvring areas shown on the approved plans shall conform to Australian Standards and be constructed, drained in accordance with sound engineering practice, to the reasonable satisfaction of the Authority. Car parking bays shall be permanently delineated prior to the occupation or use of the development herein approved.

Reason: To ensure that the proposed development meets the requirements of the relevant Australian Standards.

12. All stormwater drainage and construction shall be in accordance with Australian Standard AS 3500.3.2015 (part 3) to ensure that stormwater does not flow or discharge onto land of adjoining owners or adversely affect structures on the site, or the public road.

Reason: To ensure stormwater is disposed of in a controlled manner.

13. A Soil Erosion and Drainage Management Plan (SEDMP) shall be prepared, approved by Council and installed prior to work commencing on the subject land. The SEDMP shall comply the requirements for the Design Guidelines, and shall be maintained in good order for the duration of the works and for such extended time as may be necessary to manage site erosion, until permanent measures are effective.

14. A sign shall be erected at the new southern exit of the retirement facility complex, clearly indicating that no vehicle entry is permitted into the subject site.

Reason: To minimise vehicle conflict at the junction with the exit only access point

## **ADVISORY NOTES**

### **Assessment Panel**

1. The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).
2. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
3. This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Authority).
4. The applicant is reminded of their general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical measures to ensure that any activities on the site do not pollute the environment.
5. Allotment boundaries will not be certified by the Authority. The onus of ensuring that the buildings are sited as illustrated on the approved plans is the responsibility of the owner. This may necessitate a survey being carried out by a licensed land surveyor.
6. Encumbrances, Land Management Agreements and/or easements may apply to your property. You are therefore advised to check your Certificate of Title prior to commencing work.
7. The applicant is reminded of their obligations under the Local Nuisance and Litter Control Act 2016 and the Environment Protection Act 1993, in regard to the appropriate management of environmental impacts and matters of local nuisance.
8. The Applicant/Builder must, for the duration of construction, take action to control, minimise or eliminate (as far as reasonably practical) any local nuisance including (but not limited to) noise, dust, vibration, odour, fumes or aerosols that may be created by the construction work that may have an adverse effect on the amenity of the locality.
9. No advertising signs shall be installed without first having obtained development approval, unless they are exempt from requiring development approval under the *Planning, Development and Infrastructure Act 2016* or they are a moveable sign which complies with *Alexandrina Council Bylaw No.4 – Moveable Signs*
10. Any changes to the use of the buildings herein approved are subject to further approvals under the *Planning, Development and Infrastructure Act 2016*.

CARRIED

**ITEM 5. CONFIDENTIAL REPORTS**

NIL

**ITEM 6. ADMINISTRATIVE REPORTS**

NIL

**ITEM 7. GENERAL ITEMS FOR DISCUSSION**

The Chair and Administration thanked the Panel members and staff for their service during 2023.

Additional training will be scheduled for first ¼ of 2024 for Members along with a potential review of FRAP meeting procedures.

Suggestion for a tour to view developments that have been subject of a FRAP decision once completed.

**ITEM 8. Next meeting**

Next meeting is scheduled for Tuesday 20 February 2024 commencing at 11:00am

**Meeting Closed:** 12:29pm

**MINUTES CONFIRMED**.....

**CHAIR**

**DATED:**.....