



Fleurieu Regional Assessment Panel

Minutes of the Fleurieu Regional Assessment Panel held in the District Council of Yankalilla Council Chambers, 1 Charles Street, Yankalilla, on Tuesday, 19 November 2024 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

Panel Members Michael Doherty (Presiding Member)
Cr Simon Rothwell
Sue Giles
Ross Bateup

Officers Matt Atkinson (Group Manager Regional Development - Alexandrina)
Cameron Gibbons (Manager Development Services – Alexandrina)
Clare Wright (Team Leader Planning Assessment – Alexandrina)
Kirsty Tapp (Senior Planner – Yankalilla)
Trent Hollis (Senior Town Planner – Alexandrina)
Cherie Moyle (Administration - Alexandrina)

A handwritten signature in black ink, appearing to read 'Matt Atkinson', is written over a light blue horizontal line.

**Matt Atkinson
Assessment Manager**



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Item 1 Apologies

Kate Shierlaw

Item 2 Confirmation of Minutes

Item 2.1 Minutes of 15 October 2024 FRAP Meeting

DECISION

Moved Sue Giles, Seconded Simon Rothwell, that the minutes of the Fleurieu Regional Assessment Panel meeting held on 15 October 2024 as circulated to members be confirmed as a true and accurate record of proceedings.

CARRIED UNANIMOUSLY

Item 3 Conflict of Interest Declaration

No Member declared a conflict of interest in relation to any of the agenda items.

Item 4 Development Applications - Development Act 1993

Nil

Item 5 Development Applications – Planning, Development and Infrastructure Act 2016



Item 5.1 22028806

Development No:	22028806
Applicant:	Allusion Wine Estate Pty Ltd C/- Future Urban
Address:	127 Smith Hill Road, Yankalilla
Nature of Development:	Installation of seven (7) glamping tents with associated decking (tourist accommodation); establishment of two (2) amenity buildings to support the tourist accommodation (one within a new building and one by conversion of an existing shed); conversion of a second existing shed to a cellar door (maximum capacity 40 persons) including associated alterations and additions; conversion of the existing cellar door to an extension of the dwelling; and ancillary works, including wayfinding signage and upgrades to driveways and car parking areas.
Zoning Information:	<p>Zones:</p> <ul style="list-style-type: none"> • Rural Zone <p>Overlays:</p> <ul style="list-style-type: none"> • Environment and Food Production Area • Hazards (Bushfire - Medium Risk) (Medium) • Hazards (Flooding - Evidence Required) • Limited Land Division • Native Vegetation • Prescribed Water Resources Area <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Minimum Site Area (Minimum site area is 10 ha)
Lodgement Date:	10 January, 2024
Relevant Authority:	Fleurieu Regional Assessment Panel
Code Version:	Operative Version 2023.19 (Operational 21 December 2023 to 17 January, 2024)
Category of Development:	Code Assessed - Performance Assessed
Notification:	<p>Yes</p> <ul style="list-style-type: none"> • Five (5) representations received <ul style="list-style-type: none"> ○ One (1) representation in support ○ Four (4) representations in opposition • Two (2) representors to be heard by the Panel
Recommending Officer:	Kirsty Tapp, Senior Planner
Referrals Statutory:	Nil
Referrals Non-Statutory:	Council Engineering
Recommendation	Grant Planning Consent



The Chair called for Representors.

Peter Gerhardy and Jodie Rimmer were invited to speak by the Chair. Peter Gerhardy spoke on their behalf from 11:08am to 11:12am, and answered questions of the Panel from 11:13am to 11:14am.

Alan and Jane Matner were invited to speak by the Chair. Alan Matner spoke on their behalf from 11:15am to 11:21am, and answered question of the Panel from 11:21am to 11:23am

The Chair invited the Applicant to speak.

Jordan Hunt from Future Urban, spoke on behalf of the Applicant, Allusion Wine Estate Pty Ltd from 11:24 to 11:27am and answered questions of the Panel from 11:27am to 11:41am.

Staff answered questions of the Panel from 11:41am to 11:46am.

The Panel held discussion from 11:46am to 12:05am.

The Chair called for a short recess between 12:05am and 12:11pm.

The Panel continued discussion from 12:11pm to 12:20pm

DECISION

Moved Sue Giles, Seconded Simon Rothwell, 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.

CARRIED UNANIMOUSLY

DECISION

Moved Ross Bateup, Seconded Simon Rothwell, that the Fleurieu Regional Assessment Panel resolve that:

2. Development Application Number 22028806, by Allusion Wine Estate Pty Ltd. is GRANTED Planning Consent subject to the following reserved matters and conditions.

RESERVED MATTERS

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval:

1. Evidence of a section 221 authorisation under the Local Government Act 1999 from the District Council of Yankalilla for all required works to existing public roads.



2. Evidence of native vegetation clearance approval under the Native Vegetation Act 1991 from the Native Vegetation Council for the removal of the two identified native trees.
3. Evidence of an on-site wastewater works approval pursuant to the SA Public Health Act 2011 from the District Council of Yankalilla for the onsite wastewater disposal system.
4. Submission of a final car parking layout for the development as identified in Phil Weaver & Associates- Traffic and Parking Statement on page 4 under heading Parking Assessment shall be identified on the site plan to the reasonable satisfaction of the Assessment Manager.
5. A new egress only access gate must be provided and installed to provide access to Council's road network and Jervois Road.
6. A final schedule of colours and finishes for the seven (7) glamping tents (including the 2 retrospective tents) and the ablution block, with colours and finishes amended to comprise natural tones complementary to the natural landscape.
7. Submission of a landscaping plan providing additional landscaping around the site and periphery of each of the glamping tents with the intent to provide screening of each individual tent.

The above shall be provided to the reasonable satisfaction of the Assessment Manager.

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 cellar door and restaurant shall operate within the hours as detailed below;
 - Thursday to Sunday - 11am to 9pm
3. The maximum number of patrons in the cellar door and restaurant shall not exceed forty (40) persons at any one time.
4. No amplified music or sound shall be played outside the confines of the proposed cellar door building.
5. The development must comply with the *Environment Protection (Commercial and Industrial Noise) Policy 2023* at all times.
6. 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.

7. All storm water drainage shall discharge such that it does not flow or discharge onto land of adjoining owners, or in the opinion of Council, detrimentally affect structures on the site or any adjoining land, including the public road.
8. Rubbish collection shall be restricted to the following hours;
 - a. Sunday or public holiday: 9am to 7pm
 - b. any other day: 7am to 7pm
9. 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 the public road, must not be stored on areas used for car parking and kept in a neat in tidy manner.
10. All areas nominated as 'car parking' on the site plan herein approved must remain available for the parking of road registered commuter use vehicles at all times. No materials or goods shall be stored within car parking spaces.
11. 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.
12. All car parking areas, driveways and vehicle manoeuvring areas shown on the approved plans shall conform to Australian Standards and be constructed and 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.
13. Access track shall be constructed as a road in which the following design shall be expected, to facilitate the safe and effective access, operation and evacuation of fire-fighting vehicles and emergency personnel.
 - a) are constructed with a formed, all-weather surface
 - b) have a gradient of not more than 16 degrees (1-in-3.5) at any point along the road
 - c) have a cross fall of not more than 6 degrees (1-in-9.5) at any point along the road
 - d) have a minimum formed road width of 3m
 - e) provide overhead clearance of not less than 4.0m between the road surface and overhanging
 - f) branches or other obstructions including buildings and/or structures
 - g) allow fire-fighting services (personnel and vehicles) to travel in a continuous forward movement around road curves by constructing the curves with a minimum external radius of 12.5m
 - h) incorporating cul-de-sac endings or dead-end roads do not exceed 200m in length and the end of the road has either:
 - i. a turning area with a minimum formed surface radius of 12.5m or
 - ii. a 'T' or 'Y' shaped turning area with a minimum formed surface length of 11m and minimum internal radii of 9.5m

- i) incorporate solid, all-weather crossings over any watercourse that support firefighting vehicles with a gross vehicle mass (GVM) of 21 tonnes
14. The internal access tracks shall be upgraded as identified in the Traffic and Parking Statement prepared by Phil Weaver and Associates and titled 'Fire Appliance Access' in Figure 6 and the CFS Requirements Plan - 127 Smith Hill Road, Yankalilla- File:22-235- 20/02/23.
15. A two-way passenger vehicle passing area shall be constructed at the central mid- point bend, noting that two-way passing opportunities will also be available at the northern and southern ends of this section of driveway identified in Figure 6. The single-width sections shall provide a minimum width of 4m between obstructions.
16. A two-way traffic advisory sign (W4-11) shall be installed internally within the site, adjacent the site access point, facing entering traffic, to advise entering drivers that the internal driveways accommodate two-way traffic movement.
17. The driveway access from the edge of the sealed road to the property boundary shall be constructed in a material that;
 - o Provides all weather access.
 - o Does not result in loose debris being deposited on the sealed road
 - o Provides suitable vehicle traction when exiting the site
 - o Maintains the flow path of any existing side drain
18. The dedicated bushfire water supply shall be a minimum of 10 000 litres as nominated on the Plan titled- 'Fire Protection Services' Sheet number- FS-001, and must be made available at all times for bushfire fighting purposes (in accordance with the Ministerial Building Standard MBS 008- Designated bushfire prone areas- additional requirements).

PLANNING CONSENT 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. The exit only fire track located close to the CFS turnaround area associated with the tourist accommodation area which accesses an un-made Council road reserve requires a permit from the District Council of Yankalilla.
4. It is recommended that the applicant installs a bi-directional hazard sign (D4-2-3B) at the nose of the junction of 127 Smith Hill Road access/egress and Smith Hill Road.
5. 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.
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.
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.

CARRIED

Development No:	24020152
Applicant:	Nicholas and Timothy Mammone c/- Future Urban
Address:	7 Peters Tce Mount Compass SA 5210
Nature of Development:	Change of use from hardware store (shop) to motor repair station.
Zoning Information:	<p>Zones:</p> <ul style="list-style-type: none"> • Township Main Street <p>Overlays:</p> <ul style="list-style-type: none"> • Hazards (Bushfire - Medium Risk) • Hazards (Flooding - Evidence Required) • Murray-Darling Basin • Major Urban Transport Routes • Native Vegetation • Prescribed Water Resources Area • River Murray Tributaries Protection Area • Traffic Generating Development • Water Protection Area <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 1 level)
Lodgement Date:	15 Jul 2024
Relevant Authority:	Fleurieu Regional Assessment Panel/Assessment Manager at Fleurieu Regional Assessment Panel
Code Version:	P&D Code (in effect) Version 2024.12 04/07/2024
Category of Development:	Code Assessed - Performance Assessed
Notification:	<p>Yes</p> <ul style="list-style-type: none"> • 2 representations received <ul style="list-style-type: none"> ○ 2 representations in opposition • 1 representor wishes to be heard by the Panel
Recommending Officer:	Trent Hollis Senior Town Planner
Referrals Statutory:	Nil
Referrals Non-Statutory:	<p>Environmental Health</p> <p>An oil separator will be required to be installed and this should be determined by a suitably qualified and experienced person that has experience in the field of motor repair.</p> <p>Development Engineering</p> <p>No changes to parking configuration or impervious areas/roof catchment, therefore no objections.</p>
Recommendation	Grant Planning Consent



The Chair called for Representors.

David Bleakley was invited to speak by the Chair, speaking from 12:23pm to 12:28pm, and answering question of the Panel from 12:28pm to 12:29pm.

The Chair invited the Applicant to speak.

Nick Giannakodakis of Future Urban spoke on behalf of the Applicant, Nicholas and Timothy Mammone from 12:30pm to 12:35pm, and answered questions of the Panel from 12:35pm to 12:43pm.

Staff answered questions of the Panel from 12:43pm to 12:48pm.

The Panel held discussion from 12:48pm to 1:22pm.

DECISION

Moved Sue Giles, 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.

CARRIED UNANIMOUSLY

DECISION

Moved Sue Giles, Seconded Ross Bateup, that the Fleurieu Regional Assessment Panel resolve that:

2. Development Application Number 24020152, by Nicholas and Timothy Mammone c/- Future Urban is GRANTED Planning Consent subject to the following conditions/reserved matters.

RESERVED MATTERS

Pursuant to section 102 (3) of the Planning, Development and Infrastructure Act of 2016, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval:

1. *Lodgement and approval of an On-site Wastewater Works System*

An Application for Wastewater Works must be completed in full and lodged with Council, along with supporting documentation dependant on what is being applied for (i.e. site plan, underfloor plumbing plan). The waste control application form can be found at the following web link: Alexandrina-WASTEWATER-WORKS-APPLICATION-May-2013.pdf



Once you have obtained approval for the waste control system, please upload a copy of your waste control approval to the PlanSA Portal to satisfy this Reserved Matter.

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. 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.
3. All vehicles delivered to the site for works and repairs shall at all times be loaded and unloaded within the confines of the subject land.
4. The site shall remain in such a manner to ensure that all vehicles reasonably required to access the site are able to enter and exit in a forward motion as has been demonstrated in the swept vehicle path diagrams herein approved.
5. 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.
6. All storm water drainage shall discharge such that it does not flow or discharge onto land of adjoining owners, or in the opinion of Council, detrimentally affect structures on the site or any adjoining land, including the public road.
7. 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 the public road, must not be stored on areas used for car parking and kept in a neat in tidy manner.
8. External lighting and security lighting shall be directed in such a manner so as to not, in the opinion of Council, create unreasonable overspill onto any adjoining property or roadway which may create a nuisance to any neighbour or road user.
9. The sliding door on the north-western façade of the existing building shall remain closed at all times when activity is occurring within the workshop.



10. Air compressors and any similar mechanical plant or equipment must be located within the existing building and/or housed within a suitable acoustic enclosure to minimise the transmission of noise generated by the plant or equipment and so as to prevent the equipment from offending the *Environment Protection (Commercial and Industrial) Noise Policy 2023*.
11. No panel beating or spray-painting activities shall occur on or around the site, or within the existing building without the prior Development Approval from Council.
12. The motor repair station herein approved must at all times comply with the *Environment Protection (Commercial and Industrial) Noise Policy 2023*.
13. The area marked green on the subject land as identified by the proposed site plan shall be suitably planted with a mix of groundcovers, shrubs and trees to the satisfaction of Council.
14. The development shall only operate within the following times:
 - Monday to Friday: 8:00am to 5:30pm
 - Saturday: 8:00am to 1:00pm
 - Sunday: Closed

Any variation to these hours of operation will require a further consent.

PLANNING CONSENT 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. 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.
4. 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.
5. 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.

6. Building Consent is required for the application pursuant to the Planning, Development and Infrastructure Act 2016 and must be obtained before Development Approval is issued and works commence.
7. 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.
8. The applicant is reminded of their obligations under the Local Nuisance and Litter Control Act 2016, regarding the appropriate management of environmental impacts and matters of local nuisance. The Applicant 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.

CARRIED UNANIMOUSLY



Item 6 Applications to the Panel for Assessment Manager’s Decision Review

Nil

Item 7 Confidential Reports

Nil

Item 8 Relevant Authority Activity Report

Item 8.1 Activity Summary November 2024

This report is presented to the Panel to provide an overview of development application data for the month of October 2024 current activities in relation to deferred items, upcoming items to the Panel and matters under appeal as of **11 November 2024**.

Table 1 - Deferred Items Awaiting Decision

DA NO.	Address	Description of Development	Status
Nil			

Table 2 – Upcoming Items to the Panel (subject to change)

DA NO.	Address	Description of Development	Anticipated Meeting Date
22020497	LOT 1001 JERVOIS RD YANKALILLA	Tourist Accommodation in the Form of Six (6) Yurts, Associated Common Area and Amenities Building	TBD
23009223	LOT 50 PARADISE DR WIRRINA COVE SA	Construction of Boat Yard including new Building for the Office, Workshop and Store & Dry Dock, Boat Stack & Covered Boat Storage and Boat Parking with Boat Wash Area	TBD
23022022	40 YOHO RD DELAMERE SA 5204	Change of Use from Dwelling to Function Centre & Tourist Accommodation with associated Additions & Alterations to the Existing Building and Car Park	TBD
24005036	9 TURNBERRY DR NORMANVILLE SA 5204	Detached Dwelling- Three levels with Balconies & Garage (UMR)	TBD
24007713	129 WILLISS DR NORMANVILLE SA 5204	Change of Use to Caravan and Tourist Park comprising of Twenty (20) Tourist Cabins, Twenty (20) Caravan sites with en-suites and Seventy-nine (79) Camping sites and Residential Park comprising of a Hundred and Eighty-one (181) sites and associated works	TBD

23020768	LOT 4 THE STRAND PORT ELLIOT SA 5212 (Flying Fish Café)	Expansion of an existing shop/restaurant, including second entry, bar, new kiosk, cool room and amenities, plus additional outdoor dining/service areas and associated deck and retaining walls/landscape planter boxes, access stairs, pergola, signage and associated infrastructure.	TBD
24018462	31A CLELAND GULLY RD MOUNT COMPASS SA 5210	Construction of two (2) tourist accommodation units	Dec
24022774	93 NEWELL AV MIDDLETON SA 5213	Construction of a two-story detached dwelling with associated retaining and earthworks	Dec

Table 3 – Applications under Appeal (FRAP as the Relevant Authority)

DA NO.	Address	Description of Development	Status
23028167	16-18 North Parade, Strathalbyn	Demolition of all existing buildings and structures (excluding the existing stone ancillary building)	Matter withdrawn from ERD Court

Table 4 – October 2024 PlanSA Highlights

Statistic	Alexandrina	Yankalilla
Applications Submitted	78	14
Applications Lodged (fees invoiced and paid)	91	11
Applications Approved	112	15

RECOMMENDATION

Moved Ross Bateup, Seconded Simon Rothwell that the Fleurieu Regional Assessment Panel receive and note the activity summary.

CARRIED UNANIMOUSLY



Item 9 Administrative Reports

Nil

Item 10 Other Business

Matt Atkinson

- Update on FRAP term and expected timeframe for Expressions of Interest to be advertised for a new Panel.
- Discussion of final meeting for 2024, and post meeting celebration to be at own cost.

Sue Giles

- Enquired of staff, whether FRAP term would be further extended. Matt Atkinson advised it would be possible to extend if required but unlikely.

Item 11 Next Meeting

The next meeting is scheduled for 17 December 2024 commencing at 11:00am

Meeting Closed: 1:28pm

MINUTES CONFIRMED:

CHAIR

DATED: