

REGIONAL COUNCIL OF GOYDER DEVELOPMENT ASSESSMENT PANEL

Minutes of a meeting of the **Regional Council of Goyder Council Development Assessment Panel** held on **Wednesday 1st August 2012**, in the Burra Town Hall, Market Square, Burra, commencing at 10.00 a.m.

1. ATTENDANCE RECORD

1.1 Present

Mr B Ballantyne (Presiding Member), Ms M.L. Schwarz, Mr A Curtis, Mr P Dunn and Mrs J Kellock, Mr John Brak – Chief Executive Officer/Public Officer, Ms Fiona Barr – Development Officer, Ms Julie Jansen - Masterplan

1.2 Apologies

Nil

2. CONFIRMATION OF MINUTES

Moved: Mrs J Kellock

Seconded: Mr P Dunn

CDAP 01/12 That the minutes of the meeting of the Regional Council Development Assessment Panel held on 12th October 2011, as per copy supplied to Members, be taken as read and confirmed.

CARRIED

3. MEMBER DECLARATIONS

Mrs J Kellock declared to the Panel;

“In relation to Development Application 422/115/11 – Stony Gap Wind Farm Mr Graham Malcolm Kellock is an owner of land on which part of the proposed development is to be sited. Mr Kellock is my Uncle in Law. The undertakings of Mr Kellock form no part of my, or my family’s personal or business operations and I and my family derive no benefit or loss from any of Mr Kellock’s undertakings.

I also note that Mr Bob Lamb is nominated to speak to the representation as submitted by Henry Dunn. Mr Lamb is my Uncle. The undertakings of Mr Lamb form no part of my, or my family’s personal or business operations and I and my family derive no benefit or loss from any of Mr Lamb’s undertakings.”

4. DEVELOPMENT APPLICATIONS

4.1 **Development Applications to be determined by the Panel**

4.1.1 **422/123/12 – Helen Hinkley – Change of Use to include a Dog Boarding Facility**

Ms Daphne Lines made personal representation to the Panel Members on her objection to the development.

Mr Scott Ernest made personal representation to the Panel Members on his objection to the development.

Mr Terrance Lomman made personal representation to the Panel Members on his objection to the development.

Mr Peter Surridge made personal representation to the Panel Members on his objection to the development.

Ms Helen Hinkley, the applicant addressed the Panel.

Moved: Mr P Dunn

Seconded: Ms M.L. Schwarz

CDAP 02/12 That the Regional Council of Goyder Development Assessment Panel resolves that:

- 1. Development Application No: 422/123/11 at Section 225, Mt Bryan East Road, Hundred of Kingston for a Dog Boarding/Kennelling Facility for up to 20 dogs be DEFERRED to enable the applicant to:**
 - 1.1 Undertake further investigations and provide further information regarding the Waste Management requirements and;**
 - 1.2 Obtain further details regarding the requirements required to be supplied to Council for the operation of Dog Boarding/Kennelling establishment; and**
 - 1.3 Provide a complete and detailed site plan to scale that incorporates all traffic management details e.g.-car parking, direction of traffic, entry and exit locations.**

CARRIED

4.1.2 422/121/11 – TRUenergy – Three year extension to existing Temporary Wind Monitoring Mast

Mr. Harvey Neal made personal representation to the Panel Members on his objection to the development.

Mr Colin Schaefer made personal representation to the Panel Members on his objection to the development.

Mr Clint Purkiss from TRUenergy addressed the Panel Members.

Moved: Mr A Curtis

Seconded: Ms M.L. Schwarz

CDAP 03/12 That the Regional Council of Goyder Development Assessment Panel resolves that:

- 1. Having considered the Development Application 422/121/11, determine that the application is NOT seriously at variance with the Goyder (RC) Development Plan.**
- 2. That pursuant to Section 33(1)(a) of the Development Act,1993, Development Application 422/121/11, be GRANTED Development Plan Consent, subject to the following conditions:**
 - 1. All work shall be carried out in accordance with the approved plans, specifications and correspondence submitted with, and forming part of the application, except as amended by any conditions hereby imposed.**
 - 2. The mast and all associated works shall be removed within 36 months of the date of application.(10 November 2011)**

Reason for Conditions 1 & 2 – To ensure the development proceeds in accordance with the approval.

- 3. Upon removing the mast, the site shall be remediated to its original state or a condition similar to which existed prior to the erection of the mast. Remediation of the site must be completed no later than 3 months after the 36 month period ends.**

Reason for Condition 3 – To ensure the site is reinstated to its original condition.

NOTES

The applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections) will require the approval of the Council's Technical Services Department, prior to any works being undertaken. Further information may be obtained by contacting the Technical Services Department on 8892 0100. All works on Council owned land required as part of this development will be at the Applicant's cost.

The applicant is reminded of its general environmental duty, as required by Section 25 of the Environmental Protection Act, to take all reasonable and practical 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 harm.

CARRIED

*Presiding Member adjourned the meeting at 10.50am.
Meeting recommenced 11.05am*

4.1.3 422/115/12 TRUenergy- Stony Gap Wind Farm

Mr Andrew Coffey made personal representation to the Panel Members on his objection to the development.

Mr Kim Dixon made personal representation to the Panel Members on his objection to the development.

Mr Hamish Dunn advised and requested approval for Ms Ally Fricker to address the Panel instead of Bob Lamb who is ill on behalf of Mr Henry Dunn on his objection to the development. The Presiding Member granted approval and Ms Ally Fricker made personal representation to the Panel Members on Mr Henry Dunn's objection to the development.

Mr Hamish Dunn made personal representation to the Panel Members on his objection to the development.

Ms Ally Fricker made personal representation to the Panel Members on behalf of Roger Dunn on his objections to the development.

The Presiding Member invited Mr Travis Friebe to address the Panel but received no response from the Gallery.

11.45am Mr A Curtis withdrew from the Town Hall

Mr Harvey Neal made personal representation to the Panel Members on behalf of Wayne & Tracey Mitchell on their objection to the development.

11.49am Mr A Curtis re-entered the Town Hall

Mr Tony Abbott from Piper Alderman Lawyers (representing Mr Neil Mosey and Mr Kym Schaefer) made a personal representation on behalf of his two clients to the Panel Members on their objection to the development.

Mr Jim Dunstan made personal representation to the Panel Members on behalf of Mr & Mrs Gavin Rodda & Mr Philip Ruediger on their objection to the development.

Dr Sarah Laurie made a personal representation to the Panel Members on behalf of Mr & Mrs J Ross & Mr & Mrs T Ross on their objection to the development.

Ms Mary Morris made a personal representation to the Panel Members on behalf of Mr & Mrs G Ross & Mr C Ruediger on their objection to the development.

Mr Colin Schaefer made a personal representation to the Panel Members on his objection to the development.

Mr Andrew Coffey made a personal representation to the Panel Members on behalf of Mr & Mrs T Thamm on their objections to the development.

Moved: Mrs J Kellock

Seconded: Mr P Dunn

CDAP 04/12 That the meeting be adjourned till 2.00pm.

CARRIED

Meeting adjourned at 1.08pm

Meeting recommenced at 2.00pm

The Presiding Member invited the applicant to address the Panel Members Mr Tim Power (lawyer), Mr Clint Purkiss (TRUenergy) & Mr Christopher Delaire (Marshall Day) addressed the Panel.

Ms Julie Jansen from Masterplan presented the Development Assessment Report to the Panel Members.

Moved: Mr P Dunn

Seconded: Mrs J Kellock

CDAP 05/12 That the Regional Council of Goyder Development Assessment Panel resolves that:

1. **Having considered the Development Application 422/115/11, determine that pursuant to Section 35(2) of the Development Act, 1993 the proposed development is NOT seriously at variance with the Regional Council of Goyder Development Plan.**
2. **That for the purposes of Section 33 of the Development Act, 1993 Development Application 422/115/11 by TRUenergy for the Stony Gap Wind Farm be REFUSED Development Plan Consent for the following reason:**

It is considered that the nature of the proposed wind farm development will adversely and unreasonably impact on the health and amenity of the locality through noise and vibration caused by the operation and the hours of operation of the proposed wind farm development.

The proposed wind farm development is at odds with the following Regional Council of Goyder Development Plan Objectives and Principles of Development Control:

2.1 Council Wide - Interface Between Land Uses

Objective 1

Development located and designed to prevent adverse impact and conflict between land uses.

Objective 2

Protect community health and amenity and support the operation of all desired land uses.

Principles of Development Control

1. **Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:**
 - (b) noise
 - (c) vibration
 - (g) hours of operation
2. **Development should be designed and sited to minimise negative impact on existing and potential future land uses considered appropriate in the locality.**
6. **Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses considered appropriate for the zone should not be developed or should be designed to minimise negative impacts.**
7. **Development should be designed, constructed and sited to minimise negative impacts of noise and to avoid unreasonable interference.**

**2.2 Council Wide – Orderly and Sustainable Development
Objective 1**

Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.

CARRIED

5. CORRESPONDENCE

Nil.

6. OTHER BUSINESS

Moved: Mrs J Kellock

Seconded: Mr P Dunn

CDAP 06/12 That the Regional Council of Goyder Development Assessment Panel meets on the first Wednesday of the month at 10.00am.

CARRIED

7. NEXT MEETING

The next meeting of the Regional Council of Goyder Development Assessment Panel will be held on Wednesday 5th September 2012 at the Regional Council of Goyder Offices, 1 Market Square Burra, commencing at 10.00am

8. CLOSE OF MEETING

The Presiding Member thanked all those present and declared the meeting closed at 3.15pm.

CONFIRMED _____ PRESIDING MEMBER

CONFIRMED _____ PUBLIC OFFICER