DISTRICT COUNCIL OF GRANT
PLANNING AND DEVELOPMENT
COMMITTEE

Agenda for a Meeting of the Committee to be held

On 28th November 2016
At Council Chambers, 324 Commercial Street West, Mount Gambier
Commencing 5.30pm

OUR MISSION

“To provide a range of services which meet the environmental, social and economic needs of our community.”
NOTICE OF MEETING

Pursuant to Section 87(4) of the Local Government Act 1999, notice is hereby given that the Meeting of the Grant District Council Planning and Development Committee will be held on **Monday, 28 November 2016 at 5.30pm** at the Council Chambers, 324 Commercial Street West, Mount Gambier.

Leith McEvoy
DIRECTOR OF ENVIRONMENTAL SERVICES

DISTRIBUTION LIST -

**COMMITTEE MEMBERS**

- Mayor Richard Sage (Chairman)
- Cr Brian Collins (Council Member)
- Cr Barry Kuhl (Council Member)
- Cr Alan Hill (Council Member)
- Cr Gill Clayfield (Council Member)
- Cr Graham Slarks (Council Member)

**COUNCIL OFFICERS**

- Chief Executive Officer, Mr Trevor Smart
- Director of Environmental Services, Mr Leith McEvoy
- Planning Officer, Ms Trudy Glynn
ORDER OF BUSINESS

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1. OPENING & WELCOME

2. ATTENDANCE

3. APOLOGIES FOR ABSENCE

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Committee Meeting held 29th August 2016

Recommendation:
Moved Cr________________ that the minutes of the District Council of Grant Planning and Development Committee meeting held 29th August 2016 be taken as read and confirmed as a true and accurate record of the proceedings of that meeting.
Seconded Cr______________
5. BUSINESS ARISING FROM THE MINUTES

Nil
6. REPORTS FROM OFFICERS

### 6.1 Port MacDonnell and Environs Development Plan Amendment

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<tr>
<th>MEETING:</th>
<th>Planning and Development Committee</th>
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<tbody>
<tr>
<td>DATE:</td>
<td>28 November 2016</td>
</tr>
<tr>
<td>AUTHOR:</td>
<td>Leith McEvoy – Director of Environmental Services</td>
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<tr>
<td>RESPONSIBLE OFFICER:</td>
<td>Leith McEvoy – Director of Environmental Services</td>
</tr>
<tr>
<td>APPLICANT/PROPOSENT:</td>
<td>Nil</td>
</tr>
<tr>
<td>DISCLOSURE OF INTEREST:</td>
<td>Nil</td>
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<tr>
<td>PREVIOUS MEETING REFERENCES:</td>
<td>Various Council and Planning &amp; Development Committee Meetings</td>
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<tr>
<td>FILE NO:</td>
<td>4.3.2/6</td>
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<tr>
<td>ATTACHMENTS:</td>
<td>Copy of final Port MacDonnell and Environs Development Plan Amendment (For Approval); and copy of final Summary of Consultation and Proposed Amendments (SCPA) Report.</td>
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<td>IN CONFIDENCE:</td>
<td>No</td>
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**PURPOSE OF REPORT**
This Report has been prepared to enable the Planning and Development Committee and Council to progress the split/divided Port MacDonnell and Environs Development Plan Amendment (DPA).

**BACKGROUND:**
Council at its meeting held on 4 March 2013 engaged MasterPlan SA Pty Ltd (MasterPlan) to undertake the preparation of the Port MacDonnell & Environs DPA. The proposed amendments for Port MacDonnell were originally included in an earlier DPA, but were removed by the Minister for Planning who required a separate more detailed investigation for Port MacDonnell.

The draft SOI was approved by Council on 5 August 2013, and forwarded to the Minister for Planning seeking agreement to proceed with the DPA.

The Minister/DPTI requested on several occasions various changes/amendments to the SOI, which were considered and agreed to by Council.

The Minister for Planning/DPTI by letter dated 19 January 2016 agreed that the amended SOI formed an appropriate basis for the preparation of the proposed DPA. The Minister did not allow Council to include any rural living development in the DPA.

A draft DPA was then prepared and adopted by the Planning and Development Committee at its meeting held on 15 March 2016, followed by Council at its meeting held on 21 March 2016.

The DPA was placed on public and Government Agency consultation from 7 April to 3 June 2016, with Council receiving a number of submissions. A Public Meeting to hear verbal submissions on the DPA was held in Port MacDonnell on 16 June 2016.
A Council Tour concerning the DPA was held on Wednesday 3 August 2016.

The DPA and all relevant documents were considered by the Planning and Development Committee on 29 August 2016, with the Committee Minutes being endorsed by Council on 5 September 2016. The Council resolution was as follows:

1. **Receive and adopt the Planning and Development Committee Non-Confidential Minutes for the meeting held Monday 29 August 2016.**

2. **Council receive the Summary of Consultation and Proposed Amendments (SCPA) Report, as prepared by MasterPlan SA Pty Ltd, and Council in accordance with Section 25 (13) of the Development Act 1993 (“the Act”) on the matters raised during the consultation period, and endorse the Council Response recommended in this document, subject to the following:**

   (1) **Amending the Council Response to Submission No. 16 – Chris and Andrew Huckel (C/- Frank Brennan Consulting Services) to read as follows:**

   The creation of up to six larger allotments, and the two smaller allotments, and the public road access to the lighthouse is supported, subject to an amended design to restrict direct access from Lighthouse Road, planning policy to control new development, and subject to further consultation with DEWNR.

   The proposal to annexe a part of the land in the north-west corner to be added to the adjoining cemetery is supported if the land is transferred to Council at no cost.

   and,

   (2) **Excluding the Conclusion and recommendations in Attachment F – Additional Matters and Investigations – Restricted Development Policy Area.**

3. **Council make the following amendments in relation to the proposed Restricted Development Policy Area:**

   (1) The boundary of the Policy Area be amended to exclude all of that land to the north of Tilleys Road, from where it intersects with Lower Nelson Road;

   (2) The excluded area north of Tilleys Road shall remain in the Primary Production Zone with no Policy Area, but shall include relevant new policy concerning the provision of proper access being provided for any new dwellings in this area; together with relevant new policy concerning site levels, building floor levels and any other practical measures/performance criteria required to protect development on the land; and,

   (3) A ‘dwelling’ continue to remain a non-complying kind of development in the amended Restricted Development Policy Area, which is a Policy Area within the Primary Production Zone – acknowledging that dwellings can still be applied for as non-complying development.

4. **The Port MacDonnell and Environs Development Plan Amendment (DPA) be amended in accordance with the various Council Responses as contained in the Summary of Consultation and Proposed Amendments (SCPA) Report, and recommendations 2 and 3 above.**

5. **The Chief Executive Officer and/or the Director of Environmental Services be delegated the authority to undertake the required amendments to the draft Port MacDonnell and Environs Development Plan Amendment, and take any other actions considered necessary in relation to finalising this Development Plan Amendment.**
6. The amended Port MacDonnell and Environ Development Plan Amendment (DPA) be referred to and endorsed by Council, or otherwise, prior to Council seeking any final approval of the Development Plan Amendment from the Minister for Planning.

Council further considered the DPA at its meeting held on 7 November 2016. In considering the DPA, Council resolved the following:

1. Receive and note the Report.
2. Receive and note the attached Notes from MasterPlan SA Pty Ltd (dated 2 November 2016).
3. Resolve to divide the Port MacDonnell and Environ Development Plan Amendment (DPA) into separate amendments by removing reference to Submission 16, Cape Northumberland Lighthouse land owned by Chris and Andrew Huckel from the DPA, in accordance with Section 25 (15) of the Development Act 1993.
4. Approach Chris and Andrew Huckel to request consideration of a 50% contribution of the costs associated with dividing the DPA.

COMMENT:
The DPA proposes to amend the Council’s Development Plan to provide for future growth of Port MacDonnell so as to cater for orderly, proper and sustainable long-term expansion of zoned areas of the township.

A separate Report has also been prepared for the consideration of the Planning and Development Committee “In Confidence” concerning the proposed Port MacDonnell Split DPA for the Cape Northumberland Lighthouse Land.

The attached final Port MacDonnell and Environ DPA, and the final SCPA Report, both incorporate changes, including those to divide the DPA into separate amendments by removing reference to Submission 16, Cape Northumberland Lighthouse land owned by Chris and Andrew Huckel from the DPA. The division of the DPA into separate amendments is as per the Council resolution of 7 November 2016.

At this time Council has not yet been advised whether or not Chris & Andrew Huckel are prepared to contribute 50% towards the costs associated with dividing the DPA. It is anticipated that a response will be received prior to the Committee Meeting. The fee estimate from MasterPlan to divide the DPA was between $4,800 and $5,800.

Rather than further delay progress on the DPA, Council Officers have continued to work towards dividing the Port MacDonnell and Environ DPA into separate amendments – regardless of whether or not a contribution is received from Chris & Andrew Huckel. This is consistent with the Council resolution of 7 November 2016.

Should Chris & Andrew Huckel contribute towards the costs associated with dividing the DPA, then the divided DPA would in part become a proponent sponsored DPA.

A draft Port MacDonnell Split DPA is yet to be prepared, considered and approved by Council. As such, the preparation of a draft Split DPA should be undertaken “In Confidence” until approved by Council and released for further public and Government Agency consultation.

Council will also now formally advise the Minister for Planning of Council’s decision to divide the original Port MacDonnell and Environ DPA into separate amendments.
POLICY REQUIREMENTS:
The DPA will amend planning policy contained in the Council’s Development Plan.

LEGISLATIVE REQUIREMENTS:
The DPA processes need to comply with the provisions of the Development Act 1993 and the Development Regulations 2008.

STRATEGIC IMPLICATIONS:

FINANCIAL IMPLICATIONS:
The original Port MacDonnell and Environs DPA has a funding allocation in the 2016/2017 Council Budget. The fee estimate of the split/divided DPA is an additional $4,800 to $5,800 – with a possible 50% contribution from Chris & Andrew Huckel.

CONSULTATION:

STAFF RECOMMENDATION:
That the Planning and Development Committee recommend to Council that:


2. Council receive and endorse the final Summary of Consultation and Proposed Amendments (SCPA) Report, as prepared by MasterPlan SA Pty Ltd, and Council in accordance with Section 25 (13) of the Development Act 1993 (“the Act”) on the matters raised during the consultation period and the resolution of Council on 7 November 2016 to divide the DPA into separate amendments, and endorse the Council Response recommended in this document (subject to any further amendments which may be made at the Committee Meeting).

3. Council receive and endorse the final Port MacDonnell and Environs Development Plan Amendment (For Approval), as amended in accordance with the various Council Responses as contained in the final Summary of Consultation and Proposed Amendments (SCPA) Report (subject to any further amendments which may be made at the Committee Meeting).

4. Council advise the Minister for Planning of Council’s decision to divide the original Port MacDonnell and Environs Development Plan Amendment into separate amendments in accordance with Section 25 (15) of the Development Act 1993, as per the Council resolution of 7 November 2016.

5. Council resolve to send to the Minister for Planning a copy of the report prepared under Section 25 (13) of the Development Act and a Certificate from the Chief Executive Officer pursuant to Section 25 (14) (b) of the Act seeking approval of the final amended version of the Port MacDonnell and Environs Development Plan Amendment.
6. The Chief Executive Officer and the Director of Environmental Services be delegated the authority to take any other actions considered necessary in relation to finalising this Development Plan Amendment.

7. All persons and/or Government Agencies/organisations who made a submission to Council in relation to the draft Port MacDonnell and Environs Development Plan Amendment be advised of Council's decision.
7. INFORMATION BULLETIN

7.1 Planning & Development Committee - Schedule of Proposed Meeting Dates 2017

Planning & Development Committee meetings will be held at the District Council of Grant Chambers, generally on the fourth Monday of each quarter commencing at 5.30pm (unless otherwise required)

STAFF RECOMMENDATION:

*That the Information Bulletin be received and noted.*
8. CONFIDENTIAL ITEMS

PURPOSE OF REPORT:
To exclude the public from attendance at so much of a meeting as it is necessary to receive, discuss or consider in confidence any information or matter listed, as per Section 90 of the Local Government Act 1999.

STAFF RECOMMENDATION:

That:-

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except, Mr Trevor Smart, Chief Executive Officer, Mr Leith McEvoy, Director of Environmental Services, Mrs Trudy Glynn, Planning Officer [specify other officers/persons to remain], be excluded from attendance at the meeting for Agenda Item concerning the draft Port MacDonnell Split Development Plan Amendment.

The Planning and Development Committee is satisfied that, pursuant to section 90(3)(m) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to a possible future amendment under the Development Act 1993 before a Development Plan Amendment report relating to an amendment is released for public consultation under that Act concerning land in the Council area.

The Planning and Development Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because consideration of a proposed future Development Plan Amendment has not yet been finalised which could result in the public becoming inadvertently misinformed of any possible proposed changes.
1. That having considered Agenda Item concerning the Port MacDonnell Split Development Plan Amendment in confidence under section 90(2) and (3)(m) of the Local Government Act 1999, the Planning and Development Committee, pursuant to section 91(7) of that Act orders that the Port MacDonnell Split Development Plan Amendment and Minutes be retained in confidence until Council determines to release the Port MacDonnell Split Development Plan Amendment as a public document, and that this order be reviewed every 12 months [if the confidentiality period is longer than 12 months in duration].

2. Council delegates to the Chief Executive Officer, pursuant to Section 91(9)(c) of the Local Government Act 1999, the power, at his discretion, to revoke the order made by Council under Section 91(7) and (9) of the Act at part (1) of this resolution at any time prior to the expiration of the period of the order specified therein.
PURPOSE OF REPORT:
To exclude the public from attendance at so much of a meeting as it is necessary to receive, discuss or consider in confidence any information or matter listed, as per Section 90 of the Local Government Act 1999.

STAFF RECOMMENDATION:

That:-

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except, Mr Trevor Smart, Chief Executive Officer, Mr Leith McEvoy, Director of Environmental Services, Mrs Trudy Glynn, Planning Officer [specify other officers/persons to remain], be excluded from attendance at the meeting for Agenda Item concerning the final Industrial Land Review and Master Plan.

The Planning and Development Committee is satisfied that, pursuant to section 90(3)(m) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to a possible future amendment under the Development Act 1993 before a Development Plan Amendment report relating to an amendment is released for public consultation under that Act concerning industrial land in the Council area.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because consideration of any proposed future Development Plan Amendment has not yet been finalised which could result in the public becoming inadvertently misinformed of any possible proposed changes.
1. That having considered Agenda Item concerning the final Industrial Land Review and Master Plan in confidence under section 90(2) and (3)(m) of the Local Government Act 1999, the Planning and Development Committee, pursuant to section 91(7) of that Act orders that the final Industrial Land Review and Master Plan and Minutes be retained in confidence until Council determines to release the Industrial Land Review and Master Plan as a public document, and that this order be reviewed every 12 months [if the confidentiality period is longer than 12 months in duration].

2. Council delegates to the Chief Executive Officer, pursuant to Section 91(9)(c) of the Local Government Act 1999, the power, at his discretion, to revoke the order made by Council under Section 91(7) and (9) of the Act at part (1) of this resolution at any time prior to the expiration of the period of the order specified therein.
9. BUSINESS WITHOUT NOTICE

10. NEXT MEETING

The next meeting of the District Council of Grant Planning and Development Committee will be held on Monday, 27th February 2017 unless otherwise determined.

11. CLOSURE