

CITY OF WEST TORRENS



MINUTES

of the

DEVELOPMENT ASSESSMENT PANEL

of the

CITY OF WEST TORRENS

held in the George Robertson Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

TUESDAY, 8 NOVEMBER 2016
at 5.00pm

Terry Buss
Chief Executive Officer

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1 MEETING OPENED

The Presiding Member declared the meeting open at 5.00pm.

1.1 EVACUATION PROCEDURE

The evacuation procedures were read out to the gallery by the Presiding Member.

2 PRESENT

Panel Members:

C Dunn	(Independent Presiding Member)
G Nitschke	(Councillor)
T Polito	(Councillor)
K McKay	(Councillor)
W Stokes	(Independent Member)
J Strange	(Independent Member)

Officers:

Mr T Buss	(Chief Executive Officer and DAP Public Officer)
Mr A Catinari	(General Manager Urban Services)
Ms J Lennon	(Manager City Development)
Mr T Kelly	(Coordinator City Development)
Mr J Banks	(Senior Development Officer)
Mr P Harnett	(Senior Development Officer)
Mr J Leverington	(Development Officer)
Ms K Briton-Jones	(Development Officer)
Ms M Attard	(EA Urban Services - Minute Secretary)

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Development Assessment Panel held on 11 October 2016 be confirmed as a true and correct record.

DEVELOPMENT ASSESSMENT PANEL DECISION

MOVED T Polito SECONDED K McKay that the recommendation be adopted.

CARRIED

5 DISCLOSURE STATEMENTS

Nil

6 REPORTS OF THE CHIEF EXECUTIVE OFFICER

6.1 101-105 Hardys Road, UNDERDALE

Application No 211/131/2016

Appearing before the Panel:

Representors: **Rick Tanner** owner of 3 adjacent properties appeared in support of their representation.

Michael Wohlstadt on behalf of Plastico 60-66 Ashwin Parade (Occupier) appeared in support of their representation.

Applicant **Michael Richardson** from Master Plan on behalf of the Applicant appeared to respond to representations.

RECOMMENDATION(S)

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993*, resolves to GRANT Development Plan Consent for Application No. 211/131/2016 by Township Development to undertake the construction of four (4) three-storey residential flat buildings totalling 20 dwellings all with garages under main roof at 101-105 Hardys Road, Underdale (CT6161/341), subject to CONCURRENCE from the Development Assessment Commission and the following conditions of consent:

Council Conditions:

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. A stormwater scheme shall be designed in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage shall not at any time:
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways; or
 - e) Result in a total discharge of water from the entire site of more than 20 litres per second for the site critical 20 year ARI storm event.
3. For this purpose, final stormwater and stormwater quality management details shall be submitted to and approved by Council prior to or at the time of application for Building Rules Consent.

In addition to the information provided in the Applicant's engineering drawings and calculations, each of the residences shall be fitted with 500 litre stormwater detention tank. This detention storage requirement is over and above any Building Code of Australia requirement for a rainwater tank. These tanks shall be arranged such that stormwater is directed to the rainwater tank first, and overflow from this tank shall be directed to the detention tank.

The following table outlines current recommended practice for the targeted improvement of stormwater quality from new development of scale, as outlined in the State Government's Water Sensitive Urban Design Policy - 2013. The targets being:

Parameter	Target
Reduction Litter /Gross Pollutant	90%
Reduction in Average Annual total Suspended Solids (TSS)	80% *1
Reduction in Average Annual Total Phosphorous (TP)	60% *1
Reduction in Average Annual Total Nitrogen (TN)	45% *1

*1- Reduction as compared to an equivalent catchment with no water quality management controls

Numerous Proprietor devices are now available on the market which would typically satisfy the above requirements for developments of this scale and nature.

Examples being:

- Humes - Jellyfish
- Rocla - envissSentinal
- SPEL - SPELfilter
- Stormwater360 - StormFilter

(please note the above is not an extensive list of the products available in the market nor a recommendation of any of the above specific products)

Although these measures are often addressed through the installation of Propriety devices, Council encourages the use of Water Sensitive Urban Design measures to improve the quality of site discharge flows which may also provide other added benefits to the development, such as permeable pavers or raingardens.

4. That any retaining walls shall be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm. For this purpose detailed design of the proposed gabion wall shall be submitted to Council to determine and resolve any likely impact the wall may have on existing light poles along the boundary.
5. That all driveways, parking and manoeuvring areas shall be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
6. That all dwellings within the site shall have their domestic waste collected by private contractors.
7. Driveway access into the property shall be located at a minimum of 1.0 metre from the existing pram ramp and should be shaped such that they appropriately interact with and accommodate existing verge features in front of the subject and adjacent properties.

8. The significant tree (*Eucalyptus camaldulensis*) adjoining the site shall be retained in its entirety and protected with a Tree Protection Zone (TPZ) as follows:
 - The TPZ radius from the centre of the trunk = 15m
 - The TPZ area around the tree = 707m²
 - The Structural Root Zone (SRZ) radius from the centre of the trunk = 4.3m
9. Protective fencing shall be erected between the tree and the development site (along the property boundary) prior to any development activities occurring. The fence shall be erected in accordance with the site plan and fencing guidelines detailed within the Tree Environs report dated 12 July 2010.
10. Demolition activities shall proceed with caution in and adjacent to the TPZ; demolition activities shall be in accordance with the guidelines detailed within the Tree Environs report dated 12 July 2010.
11. Site preparation activities for levelling the site, trenching for footings and other services shall remain outside of the TPZ. These activities shall proceed with caution under the supervision of the project arborist, if permitted to occur within the TPZ. Site preparation activities shall adhere to the guidelines detailed within the Tree Environs report dated 12 July 2010.
12. Underground services shall remain outside of the TPZ. If they must pass through the TPZ they must use alternate installation methods such as directional boring or manual excavation and these activities shall adhere to the guidelines detailed within the Tree Environs report dated 12 July 2010.
13. Paving activities within the TPZ shall utilise a no-dig method and incorporate porous materials to allow for the diffusion of gases and moisture between the root system and atmosphere. All paving within the TPZ shall occur in accordance with the guidelines detailed within the Tree Environs report dated 12 July 2010.
14. All landscaping activities within the TPZ shall avoid disturbance of the tree's root system. All landscaping within the TPZ shall occur in accordance with the guidelines detailed within the Tree Environs report dated 12 July 2010.
15. All boundary fencing within the TPZ shall use panels on a post and rail system with no continuous trenching.
16. That a detailed landscape plan shall be submitted to and approved by Council prior to or at the time of application for Building Rules Consent.
17. Council requires one business day's notice of the following stages of building work:
 - Commencement of building work on site
 - The commencement of placement of any structural concrete
 - The completion of wall and roof framing prior to the installation of linings
 - Completion of building work.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993*, resolves to REFUSE Development Plan Consent for Application No. 211/131/2016 by Township Development to undertake the construction of four (4) three-storey residential flat buildings totalling 20 dwellings all with garages under main roof at 101-105 Hardys Road, Underdale (CT6161/341), primarily due to concerns regarding the land use interface, lack of private open space, dwelling density and insufficient car parking.

6.2 18 Lipsett Terrace, BROOKLYN PARK

Application No 211/500/2016

RECOMMENDATION(S)

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993*, resolves to GRANT Development Plan Consent for Application No. 211/500/2016 by T Jones to undertake Land Division - Community Title, DAC 211/C038/16 (Unique Id 53772) create one additional allotment at 18 Lipsett Terrace, Brooklyn Park (CT5858/967) subject to the following conditions of consent:

DEVELOPMENT PLAN CONSENT

Council Conditions

1. Development is to take place in accordance with the plans prepared by Sawley Lock O'Callaghan relating to Development Application No. 211/500/2016 (DAC 211/C038/16).

LAND DIVISION CONSENT

Council Conditions

1. That prior to the issue of Section 51 Clearance to this division approved herein, the existing dwelling and all associated structures shall be removed from the subject land. For this purpose a separate development application will be required.

Development Assessment Commission Conditions

2. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

For SA Water to assess this application, the developer must advise SA Water the preferred servicing option. Information can be found at: <http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information> For queries call SAW Land Developments on 74241119. An investigation will be carried out to determine if connections to the development will be standard or nonstandard.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

3. Payment of \$6488 into the Planning and Development Fund (1 allotment(s) @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
4. 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.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.3 36-38 Warren Avenue, GLENELG NORTH

Application No 211/882/2016

RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993*, resolves to GRANT Development Plan Consent and Land Division Consent for Application No. 211/882/2016 by Mr Nic Sacoutis to undertake a boundary realignment at 36-38 Warren Ave, Glenelg North (CT5669/307) subject to the following conditions of consent:

DEVELOPMENT PLAN CONSENT

Council Conditions

1. Development is to take place in accordance with the plans prepared by Andrew Butcher Project Management relating to Development Application No. 211/882/2016 (DAC 211/D116/16).

LAND DIVISION CONSENT

Development Assessment Commission Conditions

2. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non standard.
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
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.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.4 64 Barnes Avenue, MARLESTON

Application No 211/799/2016

RECOMMENDATION(S)

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993*, resolves to GRANT Development Plan Consent for Application No. 211/799 /2016 by Desyn Homes to undertake Combined Application: Land division - Torrens Title; DAC No. 211/D102/16 (Unique ID 54834); Create one (1) additional allotment; and construction of a single-storey dwelling at 64 Barnes Avenue (CT5713/127) subject to the following conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the Development Act):

DEVELOPMENT PLAN CONSENT

COUNCIL CONDITIONS:

1. Development is to take place in accordance with the plans prepared by Jeanes and Sommerville Surveyors Pty Ltd relating to Development Application No. 211/799/2016 (DAC 211/D102/16).
2. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 8 November 2016 as detailed in this application except where varied by any condition(s) listed below.
3. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
4. That any retaining walls will be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
5. That all driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
6. That all planting and landscaping will be completed within three (3) months of the commencement of the use of this development and be maintained in reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.
7. That the upper level windows of the dwellings shall be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows will be maintained in reasonable condition at all times.
8. Council requires one business day's notice of the following stages of building work:
 - Commencement of building work on site
 - Commencement of placement of any structural concrete
 - Completion of wall and roof framing prior to the installation of linings
 - Completion of building work

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

Nil

LAND DIVISION CONSENT**COUNCIL CONDITIONS:**

1. That all structures that currently exist on allotment 201 approved herein shall be removed. For this purpose, a separate application for demolition shall be submitted for the determination and consideration by Council.

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

1. The financial requirements of SA Water shall be met for the provision of water and sewerage services.
The alteration of internal drains to the satisfaction of SA Water is required.
Subject to our new process, on receipt of the developer details and site specifications, an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.
2. Payment of \$6488.00 into the Planning and Development Fund (1 lot(s) @ \$6488/lot). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, Ground Floor, 101 Grenfell Street, Adelaide.
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.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.5 8 Howden Road, FULHAM

Application No DA211/1102/2016

RECOMMENDATION(S)

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993*, resolves to REFUSE Development Approval for Application No. 211/1102/2016 by Garth Hall to undertake removal of a regulated tree *Corymbia citriodora* (Lemon Scented Gum) at 8 Howden Road, Fulham (CT 5519/334) for the following reasons:

1. The proposed development is contrary to
 - General Section Regulated Trees, Principles of Development Control 2
 - A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:
 - (a) the tree is diseased and its life expectancy is short
 - (b) the tree represents a material risk to public or private safety
 - (c) the tree is causing damage to a building
 - (d) development that is reasonable and expected would not otherwise be possible
 - (e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.

Reason: The proposed development is contrary to the Development Plan, Regulated Trees Principle of Development Control 2 where more than one of the principles applies. There is no evidence to suggest that the tree is or will represent a material risk to public or private safety and, further, that it is or will cause damage to a building.

Given that both arborists conclude development is possible without any tree-damaging activity, and there is no evidence the tree is damaging buildings or presenting a risk, the tree should be retained.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

7 CONFIDENTIAL REPORTS OF THE CHIEF EXECUTIVE OFFICER

7.1 CONFIDENTIAL - 6 Surrey Road, KESWICK

Application No. 211/290/2016

Reason for Confidentiality

It is recommended that this Report be considered in CONFIDENCE in accordance with Section 56A (12)(a) of the *Development Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (vii) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (viii) legal advice

as this matter is before the Environment, Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

RECOMMENDATION(S)

That:

1. On the basis that this matter is before the Environment, Resources and Development Court so any disclosure would prejudice the position of Council, the Development Assessment Panel orders, pursuant to Section 56A(12)(a) of the *Development Act 1993*, that the public, with the exception of the Chief Executive Officer, General Manager Urban Services, Manager City Development, Coordinator Development, Development Officer - Planning, Administrative Assistants, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence information contained within the confidential reports submitted by the Chief Executive Officer.
2. At completion of the confidential session the meeting be re-opened to the public.

DEVELOPMENT ASSESSMENT PANEL DECISION

MOVED T Polito SECONDED W Stokes that the recommendation be adopted.

CARRIED

6.10pm the meeting moved into Confidence

6.13pm the Confidential session closed and the meeting reopened to the public.

Note: The Confidential Minutes are kept separately from this document.

7.2 CONFIDENTIAL - 50 Davenport Terrace, RICHMOND

Application No. 211/356/2016

Reason for Confidentiality

It is recommended that this report be considered in CONFIDENCE in accordance with Section 56A(12)(a) of the Development Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(vii) matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

(viii) legal advice

as this matter is before the Environment, Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.

RECOMMENDATION(S)

That:

1. On the basis that this matter is before the Environment, Resources and Development Court so any disclosure would prejudice the position of Council, the Development Assessment Panel orders pursuant to Section 56A(12)(a) of the Development Act 1993, that the public, with the exception of the Chief Executive Officer, General Manager Urban Services, Manager City Development, Coordinator Development, Development Officer - Planning, Administrative Assistants, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted to the Chief Executive Officer.
2. At completion of the confidential session the meeting be re-opened to the public.

DEVELOPMENT ASSESSMENT PANEL DECISION

MOVED G Nitschke SECONDED J Strange that the recommendation be adopted.

CARRIED

6.14pm the meeting moved into Confidence

6.19pm the Confidential session closed and the meeting reopened to the public.

Note: The Confidential Minutes are kept separately from this document.

8 SUMMARY OF COURT APPEALS

8.1 Summary of Court Appeals

Monthly statistics are provided for the information of the Panel:

1. Matters being referred to the Development Assessment Commission (DAC); and
2. Planning appeals before the Environment, Resources and Development Court (ERDC) and their status.

RECOMMENDATION(S)

The Development Assessment Panel receives and notes the information.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

9 MEETING CLOSE

The Presiding Member declared the meeting closed at 6.21pm.