

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, 10 MAY 2016
at 5.00 PM

Terry Buss
Chief Executive Officer

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1. MEETING OPENED

The Presiding Member declared the meeting open at 5.02pm.

1.1 Evacuation Procedure

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

2. PRESENT

Panel Members:

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

Officers:

T Buss	(Chief Executive Officer and DAP Public Officer)
A Catinari	(General Manager Urban Services)
J Lennon	(Manager City Development)
Z Delmenico	(Coordinator City Development-Acting)
A Williams	(Senior Development Officer)
J Grima	(Development Officer)
J Leverington	(Development Officer)
T Cartland	(EA Urban Services - Minute Secretary)

3. APOLOGIES

K McKay	(Councillor)
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4. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Panel held on 12 April 2016 be confirmed as a true and correct record.

DEVELOPMENT ASSESSMENT PANEL DECISION

MOVED C Dunn SECONDED J Strange that the recommendation be adopted.

CARRIED

5. DISCLOSURE STATEMENTS

Nil

6. REPORTS OF THE CHIEF EXECUTIVE OFFICER

6.1 350 ANZAC Highway, PLYMPTON

Application No. 211/1526/2015 & 211/1111/2015

Appearing before the Panel:

Representors: **Mark Pirone** of 352 ANZAC Highway, Plympton did not appear in support of the representation

Todd Murfitt of St. John the Baptist Catholic School did not appear in support of the representation

Applicant: **Anita Stephens** of TRV Homes did not appear to respond to the representations.

RECOMMENDATION 1 - LAND DIVISION

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. 211/1526/2016 by TRV Homes to undertake a Torrens Title Land division to create three (3) allotments from one (1) existing Torrens Title allotment at 350 ANZAC Highway, Plympton (CT 5866/232) subject to the following conditions:

DEVELOPMENT PLAN CONSENT

COUNCIL CONDITIONS:

1. Development is to take place in accordance with the plans prepared by Donaghey Surveyors Pty Ltd, Map Ref. 6628 50F (received by Council on the 1 February, 2016, relating to Development Application No. 211/1526/2015 (DAC 211/D171/15).
2. Party wall easements shall be established in accordance with the plans of division approved herein

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 ancillary structures shall be removed from proposed allotment(s) 1, 2 and 3. For this purpose a separate development approval is required.

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

2. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0040804). Sewer main extensions will be required for lots 1 & 2 - an investigation will be carried out to determine if the water connections fees for lots 1 & 2 will be costed as standard or non-standard. The internal drains shall be altered to the satisfaction of the SA Water Corporation.

3. Payment of \$12,976 into the Planning and Development Fund (2 allotments @ \$6488.00/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, 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.

RECOMMENDATION 2 - DWELLINGS

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. 211/1111/2015 by TRV Homes to undertake the Construction of a two storey building containing three (3) dwellings (eventually to become a row dwelling) at 350 ANZAC Highway, Plympton (CT 5866/232) subject to the following conditions:

1. That the development shall be undertaken and maintained in accordance with the plans and information detailed in this application except where varied by any conditions listed below.
2. The final driveway design and stormwater connections through the road verge shall be located and shaped such that they appropriately interact with and accommodate existing verge features in front of the subject and adjacent properties. Appropriate location and shapes should be determined by Council when permits to undertake work on Council land are lodged for approval.
3. The garage doors of the proposed development will be setback no less than 5.5 metres from the Mornington Avenue property boundary.
4. That all stormwater design and construction must 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 must 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.
5. That any retaining walls must be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
6. That all driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving prior to occupation of the dwelling, and be properly drained, and maintained in a reasonable condition at all times.
7. Prior to occupation of the dwellings, all planting and landscaping must be completed and be maintained in reasonable condition at all times. Any plants that become diseased or die must be replaced with a suitable species.

8. That the upper level windows on the side and rear elevations of the dwellings shall be, prior to occupation, installed with fixed and obscured glass to a height of 1.7 metres (minimum) above upper floor level.
9. Council requires one business days' 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 PANEL DECISION

The Panel resolved that the recommendations are adopted.

6.2 247-247A South Road, MILE END

Application No. 211/864/2015

Appearing before the Panel:

Representors: **Antonetta Cavallaro of 30 Ballara Street, Mile End** appeared in support of her representation.

Applicant/s **Anh Vu Mai of 247 South Road, Mile End** appeared to respond to the representation.

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 REFUSE Development Approval for Application No. 211/864/2015 by Anh Vu Mai to change of use the subject land to snack/lunch bar and dwelling at 247-247A South Road, Mile End (CT 5291/775) for the following reasons:

1. The proposed development is contrary to
 - Residential Zone Principle of Development Control 3
Reason: Elements of the proposed development will impact on the amenity of the nearby residents
 - Transportation and Access Principles of Development Control 34
Reason: The proposed development does not satisfy the parking requirements of Table 2 - Off Street Vehicle Parking Requirements
 - Residential Development Principle of Development Control 18 & 19
Reason: There is no private open space associated with the dwelling
 - Residential Development Principle of Development Control 29
Reason: the proposed shop use is not separated from dwelling and no noise attenuation measures have been proposed to shield the habitable rooms of the dwelling from the intrusion of noise.

DEVELOPMENT ASSESSMENT PANEL DECISION

With an equality of votes the Presiding Member exercised his casting vote resulting in the Panel resolving that the recommendation is adopted.

6.3 6 Darebin Street, MILE END

Application No. 211/173/2016

Appearing before the Panel:

Representors: **Jorge M. Fernandez** of 8A Darebin Street, Mile End appeared in support of his representation.

Applicant: **Frank Rositano** of Frank Rositano Architects appeared to respond to the representation.

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 for Application No. 211/173/2016 by Frank Rositano Architect to undertake Partial demolition of an existing dwelling and construction of ground floor alterations and additions, a first floor addition, a cellar and an attached carport and verandahs at 6 Darebin Street, Mile End (CT 5322/37) subject to the following conditions:

Council Conditions

1. That the development shall be undertaken and maintained in accordance with the plans and information stamped with Development Plan Consent 10 May, 2016 detailed in this application except where varied by any condition(s) listed below.
2. Prior to the issue of full Development Approval details must be provided to demonstrate that all sides of the balcony will be suitably screened to a height of at least 1.7 metres above the first floor finished floor level.
3. That the screen surrounding the balcony will be provided 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 balcony screen shall be maintained in reasonable condition at all times.
4. 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.
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. 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

Note:

When a building-owner gives notice for the commencement of building work, they shall advise Council of the relevant person, (name, address and telephone number) who will provide the Statement of Compliance required under regulation 83AB.

The relevant person must be:

- The licensed building contractor who performed the work, or
- A registered building work supervisor, private certifier or registered architect.

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 GRANT Development Plan Consent for Application No. 211/173/2016 by Frank Rositano Architect to undertake Partial demolition of an existing dwelling and construction of ground floor alterations and additions, a first floor addition, a cellar and an attached carport and verandahs at 6 Darebin Street, Mile End (CT 5322/37) subject to the following conditions:

Council Conditions

1. That the development shall be undertaken and maintained in accordance with the plans and information stamped with Development Plan Consent 10 May, 2016 detailed in this application except where varied by any condition(s) listed below.
2. Prior to the issue of full Development Approval details must be provided to demonstrate that all sides (North, East & West facing elevations) of the balcony will be suitably screened to a height of at least 1.7 metres above the first floor finished floor level to prevent overlooking.
3. That the screen surrounding the balcony will be provided 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 balcony screen shall be maintained in reasonable condition at all times.
4. 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.
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. 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

Note:

When a building-owner gives notice for the commencement of building work, they shall advise Council of the relevant person, (name, address and telephone number) who will provide the Statement of Compliance required under regulation 83AB.

The relevant person must be:

- The licensed building contractor who performed the work, or
- A registered building work supervisor, private certifier or registered architect.

6.4 483-495 South Road, ASHFORD

Application No. 211/1218/2015

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 REFUSE Development Approval for Application No. 211/1218/2015 by Alex Choon Liew to construct a free-standing LED sign at 483-495 South Road, Ashford (CT 5330/664) for the following reasons:

1. The proposed development is contrary to
 - Advertising General Section Objective 2
Reason: *Advertisements and/or advertising hoardings that do not create a hazard.*
 - Advertising General Section Principle of Development Control 2
Reason: *The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid driver distraction.*
 - Advertising General Section Principle of Development Control 4
Reason: *The content of advertisements should be limited to information relating to the legitimate use of the associated land, however the site is currently vacant.*
 - Advertising General Section Principles of Development Control 14
Reason: *Advertisements and/or advertising hoardings should not create a hazard by:*
 - (a) *being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road*
 - (b) *being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals*
 - (c) *distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high*
 - (d) *obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (e.g. junctions, bends, changes in width, traffic control devices).*
 - Advertising General Section Principle of Development Control 15
Reason: *Any internally illuminated advertising signs and which utilise LED should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.*

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

6.5 34 Howard Street, UNDERDALE

Application No. 211/365/2016

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. 211/365/2016 by Jayce Richardson C/- Jeanes & Sommerville Surveyors to undertake Land division - Torrens title DAC No- 211/D031/16 Create one (1) additional allotment Torrens Title allotment at No. 34 Howard Street, Underdale (CT 5818/242) subject to the following conditions:

DEVELOPMENT PLAN CONSENT

COUNCIL CONDITIONS:

1. Development is to take place in accordance with the plans prepared by Jeanes & Sommerville Surveyors, Ref: 6340_PR_V01_290216, relating to Development Application No. 211/365/2016 (DAC 211/D031/16).

LAND DIVISION CONSENT

COUNCIL CONDITIONS:

1. Prior to the issue of Section 51 Clearance to this division approved herein:
 - all existing buildings must be removed (note that the removal shall be subject to a separate development approval).

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

2. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
The alteration of internal drains to the satisfaction of SA Water is required.
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. Payment of \$6,488 into the Planning and Development fund (1 lot @ \$6,488 /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, 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 is adopted.

6.6 4 Victoria Street, MILE END

Application No. 211/1389/2015

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 subject to the concurrence of the Development Assessment Commission for Application No. 211/1389/2015 by Sam Allan of Studio at Large to undertake the erection of a free-standing pylon sign at 4 Victoria Street, Mile End (CT 5118/558) subject to the following conditions:

Council Conditions

1. That the sign, herein approved, shall be maintained in good repair with all words and symbols being clearly visible at all times.
2. That the sign, herein approved, shall not move, flash, blink or rotate in any manner.
3. That the proposed sign shall not be internally or externally illuminated.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

6.7 9 Fawnbrake Crescent, WEST BEACH

Application No. 211/204/2016

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. 211/204/2016 by Brinz Group to undertake Torrens Title land division of one into two allotments at 9 Fawnbrake Crescent, West Beach (CT 6140/801) subject to the following conditions:

COUNCIL CONDITIONS

DEVELOPMENT PLAN CONDITIONS

1. Development is to take place in accordance with the plans prepared by Alexander Symonds Surveying Consultants relating to Development Application No. 211/204/2016 (DAC 211/D017/16).

LAND DIVISION CONSENT CONDITIONS

2. That prior to the issue of clearance to the division approved herein, all existing structures shall be removed from the proposed Allotment(s).

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS

DEVELOPMENT PLAN CONDITIONS

Nil

LAND DIVISION CONSENT CONDITIONS

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
The alteration of internal drains to the satisfaction of SA Water is required.
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.
2. Payment of \$6,488 into the Planning and Development Fund (1 allotment(s) @ \$6,488/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.
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 is adopted.

6.8 2 Mackirdy Street, FULHAM

Application No. 211/205/2016

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. 211/205/2016 by P & R Investments Pty Ltd to undertake a Land division - Torrens Title; DAC No.211/D021/16; Create one (1) additional allotment at 2 Mackirdy Street, Fulham (CT 5676/872) subject to the following conditions:

Development Plan 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. There shall be a minimum 2m offset from any new or altered crossover to any street existing street trees and a 1.8m offset shall be provided for the stormwater outlet for residence 1 to the existing street tree.

3. That the alfresco areas approved herein shall not be enclosed and therefore and kept as an open structure at all times.
4. That the finished floor level shall be 100.45 in reference to the plan provided by Intrax (Job Number 76464 dated 28 January 2016).
5. 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.
6. 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.
7. 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.
8. That all landscaping will be planted in accordance with the approved plans prior to the occupancy of the development. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.
9. That the upper level north, south and east facing windows of the dwelling will 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.
10. Council requires one business days' 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

Land Division Consent Conditions:

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
The alteration of internal drains to the satisfaction of SA Water is required.
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.
2. Payment of \$6,488 into the Planning and Development Fund (1 allotment(s) @ \$6,488/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.

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 is adopted.

6.9 206-216 Sir Donald Bradman Drive, COWANDILLA

Application No. 211/20/2016

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, subject to the concurrence of the Development Assessment Commission for Application No. 211/20/2016 by Mary Mackillop Care SA Ltd to undertake the erection of five signs for identification and directional purposes at 206-216 Sir Donald Bradman Drive, Cowandilla (CT's 5748/669 and 5748/670) subject to the following conditions.

Council Conditions

1. That the development shall be undertaken, operated and completed in accordance with the plans and documentation supplied in support of the application except where varied by any condition(s) listed below.
2. That the signs herein approved, shall be maintained in good repair with all words and symbols being clearly visible at all times.
3. That the signs herein approved, shall not move, flash, blink or rotate in any manner.
4. That only the free-standing sign facing Sir Donald Bradman Drive shall be internally illuminated.
5. That the illumination of the sign shall be such that no hazard, difficulty or discomfort is caused to either approaching drivers on adjacent public roads or nuisance to adjoining residents.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

6.10 5 Avon Street, KURRALTA PARK

Application No. 211/1518/2015/A

RECOMMENDATION

The Development Assessment Panel, having considered all aspects of the report, the application to vary the condition of consent and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/1518/2015/A by Zybek Consulting & Management to amend condition 1 of the land division consent for 211/1518/2015 by deleting the requirement for the foundation and footings for development application 211/1260/2015 being poured prior to the issue of Section 51 Clearance, subject to the following conditions:

LAND DIVISION CONSENT

COUNCIL CONDITIONS:

1. That prior to the issue of Section 51 Clearance to this division approved herein, all existing structures shall be removed from all of the proposed Allotments.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

7. CONFIDENTIAL REPORTS OF THE CHIEF EXECUTIVE OFFICER

7.1 23 Wood Street, KURRALTA PARK - CONFIDENTIAL

Application No. 211/875/2015

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

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 CEO, General Manager Urban Services, Manager City Development, Coordinator Development (Acting), Development Officers - 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 J Strange SECONDED C Dunn that the recommendation be adopted.

CARRIED

6.03pm the meeting moved into Confidence

6.12pm the Confidential session closed and the meeting reopened to the public.

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

7.2 8A Jervois Street, TORRENSVILLE - CONFIDENTIAL

Application No. 211/1355/2015

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

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, Co-ordinator 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 J Strange SECONDED C Dunn that the recommendation be adopted.

CARRIED

6.13pm the meeting moved into Confidence

6.15pm 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

The Development Assessment Panel receive and note 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 6.16pm.