

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, 14 JUNE 2016
at 5.00 PM

Terry Buss
Chief Executive Officer

INDEX

1.	MEETING OPENED.....	1
1.1	Evacuation Procedure	1
2.	PRESENT	1
3.	APOLOGIES.....	1
4.	CONFIRMATION OF MINUTES	1
5.	DISCLOSURE STATEMENTS.....	1
6.	REPORTS OF THE CHIEF EXECUTIVE OFFICER.....	2
6.1	452 Henley Beach Road, LOCKLEYS.....	2
6.2	273 Marion Road, NORTH PLYMPTON	4
6.3	2 Brooker Terrace, COWANDILLA	5
6.4	208A Holbrooks Road, UNDERDALE.....	5
6.5	9 Byrnes Street, BROOKLYN PARK.....	6
6.6	12 Kitson Avenue, RICHMOND.....	7
6.7	17 Coralie Street, PLYMPTON	8
6.8	3 Castlebar Road, LOCKLEYS.....	10
6.9	14&16 Strathmore Avenue and 15&17 Rutland Avenue, LOCKLEYS..	11
6.10	1 George Street, THEBARTON	12
6.11	10 Holt Street, NETLEY	14
7.	CONFIDENTIAL REPORTS OF THE CHIEF EXECUTIVE OFFICER	14
7.1	33 Brooker Terrace, RICHMOND - CONFIDENTIAL.....	14
8.	SUMMARY OF COURT APPEALS	15
8.1	Summary of Court Appeals	15
9.	MEETING CLOSE	15

1. MEETING OPENED

The Presiding Member declared the meeting open at 5.03pm.

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)
K McKay	(Councillor)
G Nitschke	(Councillor)
T Polito	(Councillor)
W Stokes	(Independent Member)

Officers:

T Buss	(Chief Executive Officer and DAP Public Officer)
A Catinari	(General Manager Urban Services)
T Kelly	(Manager City Development (Acting))
J Leverington	(Development Officer)
T Cartland	(EA Urban Services - Minute Secretary)

3. APOLOGIES

C Dunn	(Independent Member)
J Strange	(Independent Member)

4. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Panel held on 10 May 2016 be confirmed as a true and correct record.

DEVELOPMENT ASSESSMENT PANEL DECISION

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

CARRIED

5. DISCLOSURE STATEMENTS

Nil

6. REPORTS OF THE CHIEF EXECUTIVE OFFICER

6.1 452 Henley Beach Road, LOCKLEYS

Application No. 211/476/2015/2

Appearing before the Panel:

Representors: **Ian Todd** of 447 Henley Beach Road, Lockleys did not appear in support of the representation.

Bethany Nottage of 448 Henley Beach Road, Lockleys did not appear in support of the representation.

Anna and Frank Condo of 453 Henley Beach Road, Lockleys did not appear in support of the representation.

Applicant: **Chris Vounasis** of **Future Urban Group** appeared to respond to representations but was not required to address the Panel.

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. 211/476/2015/2 by David Romaldi Architects to undertake the construction of a three-storey (3) storey residential flat building comprising twelve (12) dwellings, a community centre and associated carparking and landscaping; and, conversion of the community centre (Stage 1) into a single storey detached dwelling associated with the retirement village complex, and removal of two (2) *Phoneix canariensis* (Canary Island Date Palms). (STAGE 2) at 452 Henley Beach Road, Lockleys (CT 5213/662) 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 1993*):

Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 14 June 2016 as detailed in this application except where varied by any condition(s) listed below.
2. That all stormwater design and construction shall 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 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.

For this purpose final stormwater management details, including calculations of stormwater detention, disposal and reuse and water quality design and calculations shall be submitted to and approved by Council prior to or at the time of application for Building Rules Consent.

3. 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.

4. That all carparking spaces shall be linemarked, in accordance with the approved plans and in accordance with Australian Standard 2890.1, 2004 Parking Facilities, Part 1, Off Street Carparking, prior to the occupation of the proposed development. Linemarking and directional arrows shall be clearly visible at all times.
5. That all landscaping shall 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 shall cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.
6. Appropriate measures and adequate provision shall be made on-site for a private contractor to collect all domestic refuse from wholly within the site and collection shall occur between the hours of 7am and 6pm weekdays only.
7. That any lighting of internal driveways shall be directed and screened so that light spill is not a nuisance to adjoining properties.
8. Prior to the removal of the tree approved herein, \$168 shall be paid into the Planning and Development Urban Tree Fund (2 replacement trees @ \$84/tree) in lieu of replanting. Cheques are to be made payable and marked "Not Negotiable" to the Development Assessment Commission and payment made on the 5th Floor, Roma Mitchell House, 136 North Terrace, Adelaide or sent to GPO Box 1815 Adelaide 5001. For payments by mail, please include Development Number, Applicant Name and Address of the Development. Payment may also be made over the phone with Credit Card (Mastercard or Visa) by calling the Development Assessment Commission's Customer Service Officer on 8303 0724.
9. Council requires one (1) 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.

Department of Planning, Transport and Infrastructure Conditions

1. All vehicles shall enter and exit the sites in a forward direction.
2. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

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. 211/476/2015/2 by David Romaldi Architects to undertake the construction of a three-storey (3) storey residential flat building comprising twelve (12) dwellings, a community centre and associated carparking and landscaping; and, conversion of the community centre (Stage 1) into a single storey detached dwelling associated with the retirement village complex, and removal of two (2) *Phoneix canariensis* (Canary Island Date Palms). (STAGE 2) at 452 Henley Beach Road, Lockleys (CT 5213/662) for reason that the proposal is not conducive to the overall intent, purpose and desired character of the zone and policy area in that it:

- Exceeds the recommended building height;
- Is excessive in bulk and scale;
- Does not satisfy building setbacks from road and site boundaries; and
- Does not provide adequate private space.

6.2 273 Marion Road, NORTH PLYMPTON

Application No. 211/114/2016

Appearing before the Panel:

Representors: **David Thompson** representing **Paul Fasano** of **2A Galway Avenue, North Plympton** appeared in support of the representation.

Applicant: **Philip Botsaris**, applicant, did not appear to respond to representations.

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 Plan Consent for Application No. 211/114/2016 by Construct Living Pty Ltd to Demolition of an existing building; Construction of a two-storey residential flat building containing six (6) dwellings with garages under main roof; Community Title Land Division - DAC - 211/C018/16 (Unique ID 53503) - Create five (5) additional allotments at 273 Marion Road, North Plympton (CT 5672/281) for the following reasons:

1. The proposed development is contrary to
 - Council Wide Objectives 2,5
Reason: Average site area and useability of proposed community lots.
 - Council Wide Principles of Development Control 2,12, 18, 19, 20
Reason: Building not oriented to primary street frontage
Insufficient private open space provided, location of bins storage, rainwater tanks and clothes drying in nominated private open space.
 - Residential Zone Objective 4
Reason: Proposed development is inconsistent with Desired Character due to proposed average site area per dwelling.
 - Residential Zone Principles of Development Control 11, 12,13
Reason: Insufficient side setbacks, length, height and location of building walls on common boundary.
 - Policy Area 19 Objective 1
Reason: Proposed development does not provide an appropriate transition from public to private realm due to dominance of built form.
 - Policy Area Principles of Development Control 5
Reason: Insufficient average site area per dwelling.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

6.3 2 Brooker Terrace, COWANDILLA

Application No. 211/1125/2015

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. 211/1125/2015 by Genesis Pregnancy Support to undertake the installation of a verandah facade sign associated with the use of a building at 2 Brooker Avenue, Cowandilla (CT 5816/275) 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.

6.4 208A Holbrooks Road, UNDERDALE

Application No. 211/1253/2015

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. 211/1253/2015 by LS Design Construct to construct a single storey residential flat building containing two (2) dwellings at 208A Holbrooks Road, Underdale (CT 6148/979) for the following reasons:

1. The proposed development is contrary to:
 - Low Density Policy Area 20 Objective 1
Reason: The proposed development is not consistent with the desired character of the policy area as it is not an envisaged form of development.
 - Low Density Policy Area 20 Principle of Development Control 1& 2
Reason: The proposed development is not consistent with the desired character of the policy area as it is not an envisaged form of development.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

6.5 9 Byrnes Street, BROOKLYN PARK

Application No. 211/88/2016 & 211/370/2016

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 for Application No. 211/370/2016 by Peter Franzon Constructions Pty Ltd to undertake Land division - Torrens Title DAC No- 211/D033/16 Create one (1) additional allotment at 9 Byrnes Street (CT 5723/683) subject to the following conditions:

Council Conditions

DEVELOPMENT PLAN CONSENT

COUNCIL CONDITIONS:

1. Development is to take place in accordance with the plans prepared by Sawley Lock O'callaghan Survey and Spatial, Drawing No. 16208, relating to Development Application No. 211/370/2016 (DAC 211/D033/16).

LAND DIVISION CONSENT

COUNCIL CONDITIONS:

Nil

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

1. 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 connections to the development will be 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 @ \$6,488/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.
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.

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. 211/88/2016 by Verrochi Building Design to undertake the construction of two (2) single storey dwellings each with garage under main roof at 9 Byrnes Street, Brooklyn Park (CT 5723/683) subject to the following conditions:

Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 14 June 2016 as detailed in this application except where varied by any condition(s) listed below.
2. That all stormwater design and construction shall 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 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.
3. 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.
4. 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.
5. That all planting and landscaping shall be completed prior to occupation of this development and be maintained in reasonable condition at all times. Any plants that become diseased or die shall be replaced with a suitable species.
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.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that recommendations 1 and 2 are adopted.

6.6 12 Kitson Avenue, RICHMOND

Application No. 211/323/2016

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 REFUSE Development Approval for Application No. 211/323/2016 by Anton Tomastic for the removal of a regulated tree - *Allocasaurina cunninghamiana* (River Sheoak) at 12 Kitson Avenue, Richmond (CT 5568/993) for the following reasons:

1. The proposed development is contrary to:
 - General Section, Regulated Trees, Objective 1
Reason: The subject tree makes a significant contribution to the visual amenity of the locality.
 - General Section, Regulated Trees, Principle of Development Control 2(a)(b)(c)
Reason: The subject tree does not demonstrate (a), (b), (c), (d) or (e).

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

6.7 17 Coralie Street, PLYMPTON

Application No. 211/386/2016
211/387/2016
211/388/2016

RECOMMENDATION 1

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. 211/386/2016 by Weeks and Macklin Homes to undertake the construction of a single-storey detached dwelling at 17 Coralie Street, Plympton (CT 5736/234) 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 1993*):

Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 14 June 2016 as detailed in this application except where varied by any conditions listed below.
2. That the finished floor level shall be 100.30 in reference to the plan provided by Ginos Engineers (Drawing Number 27744) dated March 2015.
3. That all stormwater design and construction shall 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 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.
4. 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.

5. That all landscaping shall 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 shall cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.

RECOMMENDATION 2

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. 211/387/2016 by Weeks and Macklin Homes to undertake the construction of a single-storey detached dwelling at 17 Coralie Street, Plympton (CT 5736/234) 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 1993*):

Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 14 June 2016 as detailed in this application except where varied by any conditions listed below.
2. That the finished floor level shall be 100.45 in reference to the plan provided by Ginos Engineers (Drawing Number 27744) dated March 2015.
3. That all stormwater design and construction shall 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 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.
4. 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.
5. That all landscaping shall 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 shall cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.

RECOMMENDATION 3

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. 211/388/2016 by Weeks and Macklin Homes to undertake the construction of a single-storey detached dwelling at 17 Coralie Street, Plympton (CT 5736/234) 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 1993*):

Council Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information stamped with Development Plan Consent on 14 June 2016 as detailed in this application except where varied by any conditions listed below.
2. That the finished floor level shall be 100.45 in reference to the plan provided by Ginos Engineers (Drawing Number 27744) dated March 2015.
3. That all stormwater design and construction shall 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 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.
4. 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.
5. That all landscaping shall 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 shall cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that recommendations 1, 2 and 3 are adopted.

6.8 3 Castlebar Road, LOCKLEYS

Application No. 211/391/2016

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 REFUSE Development Approval for Application No. 211/391/2015 by Mr Andrew Baldwin to construct an enclosed pergola forward of the dwelling and masonry wall at 3 Castlebar Rd, Lockleys (CT 5911/39) for the following reasons:

1. The proposed development is contrary to
 - Council Wide (Design and Appearance) Objective 1
Reason: the proposal is not of a high design standard that responds to and reinforces the positive aspects of the locality.
 - Council Wide (Design and Appearance) Principle of Development Control 13
Reason: The proposal does not have a co-ordinated appearance that maintains or enhances the visual attractiveness of the locality.
 - Council Wide (Design and Appearance) Principle of Development Control 21
Reason: The setback is not similar to or compatible with the setbacks of dwellings on adjoining land.

- Council Wide (residential Development) Principle of Development Control 8
Reason: The entry to the dwelling is not clearly visible from the street.
- Residential Zone Principles of Development Control 8
Reason: The front setback is not the same as one of the adjoining buildings.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

6.9 14&16 Strathmore Avenue and 15&17 Rutland Avenue, LOCKLEYS

Application No. 211/1068/2011/A

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. 211/1068/2011/A by Distinctive Homes Pty Ltd to undertake Community Title land division - create two (2) additional allotments at 14 & 16 Strathmore Avenue and 15 & 17 Rutland Avenue, Lockleys (CTs 5136/814, 5681/820, 5687/988, 5726/428) 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):

Council Conditions

1. Development is to take place in accordance with the plans prepared by Fyfe Pty Ltd relating to Development Application No. 211/1068/2011/A (DAC 211/C103/11/A).

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

Nil

LAND DIVISION CONSENT

COUNCIL CONDITIONS:

Nil

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water 06063/08).

Further processing of this application by SA Water to establish the full requirements and costs of this development the developer will need to advise SA Water of their preferred servicing option. Information of our servicing options can be found at: <http://www.sawater.com.au/SAWater/DevelopersBuilders/ServicesForDevelopers/Customer+Connections+Centre.htm>. For further information or queries please contact SA Water Land Developments on 7424 1119.

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.

2. Payment of \$18,450 into the Planning and Development Fund (3 lot(s) @ \$6,150/allotment). Cheques to be made payable and marked "NOT NEGOTIABLE" to the Development Assessment Commission and payment made at Level 5, 136 North Terrace, Adelaide, or sent to GPO Box 1815, Adelaide, 5001 or via the internet at www.planning.sa.gov.au.
3. Two copies of a certified survey plan being lodged with the Commission for Certificate purposes.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

6.10 1 George Street, THEBARTON

Application No. 211/1524/2015

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. 211/1524/2015 by APN Outdoor Pty Ltd for the Conversion of existing illuminated billboard sign to a digital LED sign at 1 George Street, Thebarton (CT 6049/352) for the following reasons:

1. The proposed development is contrary to:
 - 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.
 - Advertising General Section Principle of Development Control 23
*Reason: 23 Advertisements and/or advertising hoardings should be:
(a) no higher than the height of the finished floor level of the second storey of the building to which it relates.*

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 Approval for Application No. 211/1524/2015 by APN Outdoor Pty Ltd for the Conversion of existing illuminated billboard sign to a digital LED sign at 1 George Street, Thebarton (CT 6049/352) 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 sign, herein approved, shall be maintained in good repair with all words and symbols being clearly visible at all times.

3. 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.

Department of Planning, Transport & Infrastructure Conditions

4. The LED sign shall be permitted to display one message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 seconds.
5. The sign shall not flash, scroll or move.
6. All messages displayed on the sign shall be self-contained messages that are simple, effective and easily assimilated by glance appreciation and do not imitate a traffic control device in any way.
7. Sequential messages (i.e. messages that are displayed as part messages over two or more displays) shall not be permitted.
8. Illuminated signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, the LED components of the sign/s shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m²) Max
Sunny Day	40 000	6 300
Cloudy Day	4 000	1 100
Twilight	400	300
Dusk	40	200
Night	<4	150

9. The luminance contrast between consecutive displays shall be limited to a maximum of 2:1 (Note: For the purposes of this condition luminance contrast is defined as the ratio of the average luminance of the consecutive displays).
10. The sign shall be operated by a closed circuit system that is impervious to hacking or unauthorised modification.
11. The operational system for the sign shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction. The screen shall only be reactivated in the next available off peak period.
12. The illuminated logo box shall be limited to a maximum luminance of 150Cd/m²
13. The signs shall be finished in a material of low reflectivity to minimise the likelihood of sun/headlamp glare.

6.11 10 Holt Street, NETLEY

Application No. 211/1265/2015

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 Plan Consent for Application No. 211/1265/2015 by James Vanderhaak to undertake a Division of land to create two (2) Community Title allotments and common property from one existing Torrens Title allotment at 10 Holt Street, Netley (CT 5615/375) for the following reasons:

1. The proposed development is contrary to:
 - Residential Policy Area 20 Objective 1
Reason: The proposal will not contribute to the desired character for the policy area.
 - Residential Policy Area 20 Principle of Development Control 2
Reason: The proposal is not consistent with the desired character for the policy area.
 - Residential Policy Area 20 Principle of Development Control 3
Reason: The proposal division will not satisfy the minimum site area for Lot 6.
 - General Section Land Division Principle of Development Control 7(f)
Reason: The creation of the proposed allotments is deemed incompatible with the prevailing pattern of development in the locality
 - General Section Residential Principle of Development 31
Reason: The siting and area of the private open space is insufficient to provide amenity and function for the existing dwelling.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

7. CONFIDENTIAL REPORTS OF THE CHIEF EXECUTIVE OFFICER

7.1 33 Brooker Terrace, RICHMOND - CONFIDENTIAL

Application No. 211/1224/2015 & 211/1185/2015

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, 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 K McKay SECONDED G Nitschke that the recommendation be adopted.

CARRIED

5.47pm the meeting moved into confidence

5.54pm 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 in relation to:

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 5.58pm