

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, 9 FEBRUARY 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 5.01pm.

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)
T Kelly	(Coordinator City Development)
Z Delmenico	(Senior 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 January 2016 be confirmed as a true and correct record.

DEVELOPMENT ASSESSMENT PANEL DECISION

MOVED T Polito SECONDED G Nitschke that the recommendation be adopted.

CARRIED

5. DISCLOSURE STATEMENTS

Nil

6. REPORTS OF THE CHIEF EXECUTIVE OFFICER

6.1 5 Lindsay Street, CAMDEN PARK

Application No. 211/836/2015 & 211/855/2015

Appearing before the Panel:

Representors: **Helen Flett** of 7 Lindsay Street, Camden Park appeared in support of the representation.

Luke Bashford of 3 Lindsay Street, Camden Park did not appear in support of the representation.

Christopher & Jennifer Bashford of 3A Lindsay Street, Camden Park appeared in support of their representation.

Applicant/s: **Michael Richardson** of Masterplan appeared to respond to 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. 211/855/2015 by CAMTHI Investments Pty Ltd C/- Pinksterboer Development Consultants to undertake a Land division - Community title DAC No- 211/C107/15 Create Four (4) additional allotments at No. 5 Lindsay Street, Camden Park (CT 5719/409) subject to the following conditions:

DEVELOPMENT PLAN CONSENT

COUNCIL CONDITIONS:

1. Development is to take place in accordance with the plans prepared by Pinksterboer Development Consultants, Reference JCB-17873 (received by Council on the 26 November, 2015, relating to Development Application No. 211/855/2015 (DAC 211/C107/15).

LAND DIVISION CONSENT

COUNCIL CONDITIONS:

1. Prior to the issue of Section 51 Clearance to this division approved herein and at the applicant / owner's cost;
 - a) The applicant / owner must enter in to a Land Management Agreement with Renewal SA in which the applicant / owner agrees that all dwellings approved herein will be constructed as Affordable Housing (as defined by the South Australian Housing Trust Regulations as amended); and
 - b) The Land Management Agreement must be executed and registered on title (Volume 5719 Folio 409) with any such evidence of this submitted to Council's satisfaction.

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 H0035254).

3. Payment of \$25,952 into the Planning and Development Fund (4 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.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

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. 211/836/2015 by M J Morris to undertake the construction of affordable housing comprising a residential flat building containing five (5) two-storey dwellings and associated carport at No. 5 Lindsay Street, Camden Park (CT 5719/409) subject to the following conditions:

1. That the development must be undertaken and maintained in accordance with the plans and information detailed in this application except where varied by any conditions listed below.
2. At the applicant / owner's cost, prior to the issue of Development Approval;
 - a) The applicant / owner must enter in to a Land Management Agreement with Renewal SA in which the applicant / owner agrees that all dwellings approved herein will be constructed as Affordable Housing (as defined by the South Australian Housing Trust Regulations as amended); and
 - b) The Land Management Agreement must be executed and registered on title (Volume 5719 Folio 409) with any such evidence of this submitted to Council's satisfaction.
3. 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.
4. 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.
5. 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.

6. 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.
7. The windows provided with fixed obscure glazing and the external screens enclosing the respective balconies as nominated on the approved plans must be fitted prior to occupation of the building. The glazing in these windows and balcony screens must 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 PANEL DECISION

The Panel resolved that the recommendation is adopted.

6.2 6 Coralie Street, PLYMPTON

Application No. 211/1054/2015

Appearing before the Panel:

Representors: **Dimitrios & Connie Bonaros** of **4 Coralie Street, Plympton** appeared in support of the representation.

Applicant/s: **Marcus Rolfe** of **URPS** appeared on behalf of the owner, **Sina Pooyafar**, 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 GRANT Development Plan Consent for Application No. 211/1054/2015 by D'Andrea & Associates to undertake Construction of a residential flat building containing five (5) dwellings at 6 Coralie Street, Plympton (CT 5727/557) 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 09 February 2016 as detailed in this application except where varied by any conditions 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 occupancy of the 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. That the upper level windows on the east, west and south facing elevations 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 shall be maintained in reasonable condition at all times.
7. 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 the recommendation is adopted.

6.3 5 Claremont Street, MILE END

Application No. 211/655/2015

Appearing before the Panel:

Representors: **Penelope Shorne** owner of 5A Claremont Street appeared in support of the representation.

Applicant/s: **Peter Bartsch** and **Christian Donoghue** owners of 5 Claremont Street appeared 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 GRANT Development Plan Consent for Application No. 211/655/2015 by Peter Bartsch to undertake Construction of additions & alterations to existing dwelling including mezzanine addition at 5 Claremont Street, Mile End (CT 5392/525) subject to the following conditions:

Council Conditions

1. That the development must be undertaken and maintained in accordance with the plans and information detailed in this application except where varied by any conditions listed below.

2. 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.
3. 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.
4. The windows provided with fixed obscure glazing and the external screens enclosing the respective balconies as nominated on the approved plans must be fitted prior to occupation of the building. The glazing in these windows and balcony screens must be maintained in reasonable condition at all times.
5. 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 the recommendation is adopted.

6.4 20 Fulham Park Drive, LOCKLEYS

Application No. 211/1358/2014/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 REFUSE Development Approval for Application No. 211/1358/2014 by Fiori Aloï to re-align property boundaries at 20 Fulham Park Drive, Lockleys (CT 5854/939) for the following reasons:

1. The proposed development is contrary to
 - Land Division Module Council Wide Objectives 2
Reason: Resulting allotment 202 will not be suitable for intended use
 - Land Division Module Council Wide Principles of Development Control 2a & 5
Reason: Resulting allotment 202 will not be suitable for intended use
 - Residential Zone Objective 4
Reason: Will not contribute to the Desired Character of the Zone
 - Residential Zone Principles of Development Control 5
Reason: Will not contribute to the Desired Character of the Zone
 - Low Density Policy Area 21 Objective 1
Reason: Will not contribute to the Desired Character of the Policy Area

- Low Density Policy Area 21 Principles of Development Control 2, 3 & 6
Reason: Will not meet minimum allotment sizes

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

6.5 56 West Thebarton Road, THEBARTON

Application No. 211/816/2015

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. 211/816/2015 by Fred Motor City Pty Ltd for the Construction of an externally billboard sign (56.7sqm area, overall height 7.9m) at 56 West Thebarton Road, Thebarton (CT 5215/769) for the following reasons:

1. The proposed development is contrary to
 - Advertising Module, General Section Principle of Development Control 16 & 17
 - Industrial Zone Principles of Development Control 12
Reason: The sign is too high, too large, there is already a billboard in the complex and the sign will protrude above the existing buildings.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

6.6 51 Watson Avenue, NETLEY

Application No. 211/1311/2015

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. 211/1311/2015 by R/L Mundy Trust to create one additional allotment at 51 Watson Avenue, Netley (CT 5629/783) for the following reasons:

1. The proposed development is contrary to
 - Land Division Module Council Wide Objectives 2
Reason: Resulting allotments will not be suitable for intended use
 - Land Division Module Council Wide Principles of Development Control 2a & 5
Reason: Resulting allotments will not be suitable for intended use
 - Residential Zone Objective 4
Reason: Will not contribute to the Desired Character of the Zone
 - Residential Zone Principles of Development Control 5
Reason: Will not contribute to the Desired Character of the Zone

- Low Density Policy Area 22 Objective 1
Reason: Will not contribute to the Desired Character of the Policy Area
- Low Density Policy Area 22 Principles of Development Control 2, 3 & 5
Reason: Will not meet minimum allotment widths

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is adopted.

7. CONFIDENTIAL REPORTS OF THE CHIEF EXECUTIVE OFFICER

7.1 16 Press Road, BROOKLYN PARK (Land Division) - CONFIDENTIAL

Application No. 211/826/2015

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

CARRIED

5.55pm the meeting moved into confidence

5.57pm the Confidential session closed and the meeting re-opened to the public.

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

7.2 115 & 115a George Street, THEBARTON - CONFIDENTIAL

Application No. 211/806/2013 & 211/496/2015

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

CARRIED

5.58pm the meeting moved into Confidence

6.00pm the Confidential session closed and the meeting re-opened to the public

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

8. SUMMARY OF COURT APPEALS

8.1 Summary of Court Appeals

BACKGROUND

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 6.01pm