

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 JANUARY 2017
at 5.00pm

Terry Buss
Chief Executive Officer

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Due to the Presiding Member being an apology for this meeting and a Deputy Presiding Member not yet being appointed, Colleen Dunn presided over this meeting.

1 MEETING OPENED

The Presiding Member declared the meeting open at 5.04.

1.1 Evacuation Procedure

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

2 PRESENT

Panel Members:

C Dunn (Presiding Member)

Members: G Nitschke, T Polito, G Demetriou, W Stokes, J Strange

Officers:

Mr T Buss	(Chief Executive Officer)
Mr A Catinari	(General Manager Urban Services)
Ms J Lennon	(Manager City Development)
Mr T Kelly	(Coordinator City Development)
Mr P Harnett	(Senior - Development Officer)
Ms S Gallarello	(Development Officer)
Mr J Leverington	(Development Officer)
Ms K Briton-Jones	(Development Officer)

3 APOLOGIES

Panel Members:

D Ferretti

RECOMMENDATION

That the apologies be received.

DEVELOPMENT ASSESSMENT PANEL DECISION

Moved: C Dunn

Seconded: T Polito

That the recommendation be adopted.

CARRIED

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Development Assessment Panel held on 13 December 2016 be confirmed as a true and correct record.

DEVELOPMENT ASSESSMENT PANEL DECISION

Moved: C Dunn

Seconded: T Polito

That the recommendation be adopted.

CARRIED

5 DISCLOSURE STATEMENTS

Nil

6 REPORTS OF THE CHIEF EXECUTIVE OFFICER

6.1 189-195 Holbrooks Road & 27 & 27A Norman Street, UNDERDALE

Application No 211/780/2016

Application has been withdrawn from consideration by the applicant.

6.2 14 Alexander Avenue, ASHFORD

Application No 211/397/2016 & 211/793/2016

Appearing before the Panel will be:

Representors: **Louise Willson** of 1 & 5/18 Alexander Avenue appeared in support of the representation.

Applicant: **Anthony Gatti** (Senior Planning Advisor) of Intro Design Pty Ltd appeared to respond to the representation.

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 and Land Division Consent for Application No. 211/793/2016 by Aude Real Estate Pty Ltd to undertake the a land division - CommunityTitle; DAC No. 211/C100/16 (Unique ID 54810); Create four (4) additional allotments at 14 Alexander Avenue, Ashford (CT 5218/780) subject to the following conditions of consent:

DEVELOPMENT PLAN CONSENT

Council Conditions

1. Development is to take place in accordance with the plans prepared by Andrew Davison Development Consultants relating to Development Application No. 211/793/2016 (DAC 211/C100/16).

LAND DIVISION CONSENT

Council Conditions

1. That prior to the issue of clearance to the division approved herein, the existing structures shall be removed from proposed Allotments.

Development Assessment Commission Conditions

2. The financial requirements of the S A Water Corporation shall be met for the provision of water supply and sewerage services. (S A Water H0047651)
3. SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

4. Payment of \$25952 into the Planning and Development Fund (4 allotment/s @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
5. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

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. 211/397/2016 by Aude Real Estate Pty Ltd to undertake the construction of a two (2) storey residential flat building, comprising five (5) dwellings in total with associated garaging, landscaping and fencing at 14 Alexander Avenue, Ashford (CT 5218/780) subject to the following conditions of consent:

DEVELOPMENT PLAN CONSENT

Council Conditions

1. The development shall be undertaken in accordance with the plans and information details in this application except where varied by any condition(s) listed below.
2. That the finished floor levels shall be as provided on 'Site Plan - Stormwater', Dwelling 1-4: FFL 25.53, Dwelling 5-6: FFL 25.30.
3. 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.
4. 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:-
 - Result in the entry of water into a building; or
 - Affect the stability of a building; or
 - Create unhealthy or dangerous conditions on the site or within the building; or
 - 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 shall be formed (surfaced with concrete, bitumen or paving) and properly drained, and shall be maintained in a reasonable condition at all times.
6. That the approved waste disposal facilities and waste enclosure shall be installed and be made operative prior to occupation of the development.
7. 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.

8. That the upper level east facing windows of the dwellings 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.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.3 170 Henley Beach Road, TORRENSVILLE

Application No 211/30/2015

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. 211/30/2015 by J & J Signs to construct an illuminated double sided advertisement hoarding at 170 Henley Beach Road, Torrensville (CT 5304/776) for the following reasons:

1. The proposed development is contrary to:
 - Council Wide Advertisements Objectives 1 & 3
Reason: The proposed signage will detract from the Contributory item and as such will not enhance the appearance of the building or locality.
 - Council Wide Advertisements Principles of Development Control 1, 2, 5, 7 & 10
Reason: The proposed signage will not be in harmony with the heritage value of the area and will add clutter to the locality.
 - Council Wide Historic Conservation Area Objectives 1, 2, 3 & 4
Reason: The proposed signage will detract from the Contributory item and as such will not conserve the historic significance of the area.
 - Council Wide Historic Conservation Area Principles of Development Control 1, 3, 4, 6 & 11
Reason: The proposed signage will detract from the heritage value of the existing building and Historic Conservation Area.
 - District Centre Zone Objective 2 & 4
Reason: The proposed signage is not consistent with the existing or desired character of the locality.
 - District Centre Zone Principles of Development Control 4
Reason: The proposed signage is not consistent with the Desired Character of the Zone

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.4 21 Bickford Street, RICHMOND

Application No 211/1215/2016

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 Plan Consent for Application No. 211/1215/2016 by Christopher Grant and Emma Burckhardt to Remove a Significant Tree (*Corymbia maculata* or Spotted gum) at 21 Bickford Street, Richmond (CT 5611/187) for the following reasons:

1. The proposed development is contrary to:
 - General Section, Significant Trees, Objective 1
Reason: The subject tree provides an important aesthetic benefit.
 - General Section, Significant Trees, Principle of Development Control 1(a), (e)
Reason: The subject tree makes an important contribution to the visual amenity of the local area.
 - General Section, Significant Trees, Principle of Development Control 3
Reason: Pruning of the tree is possible to maintain the health, aesthetic appearance and structural integrity of the tree therefore there are insufficient reasons for justification of removal:
 - The tree is not diseased or have a short life expectancy;
 - The tree does not represent an unacceptable risk to private or public safety;
 - The tree is not shown to be causing damage to a substantial building or structure of value;
 - Other reasonable remedial treatments have not been considered.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.5 62 Malurus Avenue, LOCKLEYS

Application No 211/1155/2016

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 and Land Division Consent for Application No. 211/1474/2016 by Mrs Silvana Sheridan to undertake Land Division at 62 Malurus Avenue, Lockleys (CT 5677/825) subject to the following conditions of consent:

DEVELOPMENT PLAN CONSENT

Council Conditions

1. The development must be undertaken and completed in accordance with the plans prepared by 'Bartlett Drafting and Development' except where varied by any condition(s) listed below.

LAND DIVISION CONSENT

Council Conditions

1. Prior to the issue of clearance, existing buildings and structures, including the swimming pool, shall be removed.

Development Assessment Commission and SA Water Corporation Conditions

2. Payment of \$6676 into the Planning and Development Fund (1 allotment(s) @ \$6676/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.
4. 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.
On approval of the application, all internal water piping that crosses the allotment boundaries (unless covered by easement) must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
Note:
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

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. 211/1155/2016 by Spectra Building Designers to undertake development at 62 Malurus Avenue, Lockleys (CT 5677/825) subject to the following conditions of consent:

Council Conditions

1. The development shall be undertaken and completed in accordance with the plans and information details in the application except where varied by any condition(s) listed below.
2. That the finished floor level shall be 9.75 in reference to the plan provided by Structural Systems (Job Number DT 160906 dated 15 September 2016).
3. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:-
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.

4. That any retaining walls will be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
5. That all driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
6. That all planting and landscaping will be completed within three (3) months of the commencement of the use of this development and be maintained in reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.
7. External material and finishes must be low-light reflective

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.6 22 Farncomb Road, FULHAM

Application No 211/1183/2016 and 211/1408/2016

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 and Land Division Consent for Application No. 211/1408 /2016 (DAC - 211/D191/16) by Mr David Hawson to undertake Land Division at 22 Farncomb Road, Fulham (CT 5229/518) subject to the following conditions of consent:

DEVELOPMENT PLAN CONSENT

Council Conditions

1. The development must be undertaken and completed in accordance with the plans prepared by 'SKS Surveys Pty Ltd' except where varied by any condition(s) listed below.

LAND DIVISION CONSENT

Council Conditions

1. Prior to the issue of clearance, existing buildings and structures, including the swimming pool, shall be removed.

Development Assessment Commission and SA Water Corporation Conditions

2. Payment of \$6676 into the Planning and Development Fund (1 allotment(s) @ \$6676/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.

4. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
The necessary easements shall be vested to SA Water.
The alteration of internal drains to the satisfaction of SA Water is required.
On approval of the application, all internal water piping that crosses the allotment boundaries (unless covered by easement) must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
Note:
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

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. 211/1183/2016 by Dechellis Homes to undertake development at 22 Farncomb Road, Fulham (CT 5229/518) subject to the following conditions of consent:

Council Conditions

1. The development shall be undertaken and completed in accordance with the plans and information details in the application except where varied by any condition(s) listed below.
2. That the finished floor level shall be 100.3 in reference to the plan provided Ginos Engineers (Job Number 29929 dated September 2016).
3. That all stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage will not at any time:-
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.
4. That any retaining walls will be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
5. That all driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained, and shall be maintained in reasonable condition at all times.
6. That all planting and landscaping will be completed within three (3) months of the commencement of the use of this development and be maintained in reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.
7. External material and finishes must be low-light reflective

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.7 24 Garfield Avenue, KURRALTA PARK

Application No 211/486/2016

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 for Application No. 211/486/2016 by D'Andrea & Associates for the construction of a two (2) residential flat buildings containing seven (7) dwellings with car ports under the main roof at 24 Garfield Avenue, Kurralta Park (CT5076/545) subject to the following conditions of consent:

Conditions:

1. The development must 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. That the finished floor level shall be 100.35 in reference to the 'Site ground/floor Plan', (D'Andrea & Associates drwg received on 05/05/16).
3. The construction of a drainage system and the position and manner of discharge of a stormwater drain 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. Stormwater detention measures will be required to be undertaken to restrict the total discharge from the total development site to a maximum of 20 litres per second for the site critical 20 year ARI storm event.
5. All driveways, parking and manoeuvring areas must be formed, surfaced with concrete, bitumen or paving, and be properly drained. They must be maintained to the reasonable satisfaction of Council thereafter.
6. All planting and landscaping must be completed within 3 months of the commencement of the use of this development and must be maintained to the reasonable satisfaction of Council. Any plants that become diseased or die must be replaced with suitable species.
7. The side and rear upper level windows and balconies of the dwellings must be provided with fixed obscure glass or screening 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 or screens in these windows and balconies is to be maintained at all times to the reasonable satisfaction of Council.
8. No aboveground structures such as letterboxes, service meters or similar are to be installed within the common driveway entrance and passing area.
9. Private open space areas nominated for each dwelling are not to contain bin storage areas or rainwater tanks.
10. Visitor car parking spaces nominated on the approved plans are for common use with signage outlining they are visitor car parking spaces required to be erected prior to the occupation of the proposed development.

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*, resolved to REFUSE Development Plan Consent for Application No. 211/486/2016 by D'Andrea & Associates for the construction of a two (2) residential flat buildings containing seven (7) dwellings with car ports under the main roof at 24 Garfield Avenue, Kurralta Park (CT5076/545) for the following reasons:

1. The proposed development is contrary to the Development Plan in the following areas:
 - Does not meet minimum site areas,
 - Does not meet minimum rear setback distances,
 - Does not meet minimum side setback distances,
 - Does not provide for adequate domestic storage space,
 - Does not provide for convenient access to the visitor car parking space.

7 CONFIDENTIAL REPORTS OF THE CHIEF EXECUTIVE OFFICER

7.1 3 Castlebar Road, LOCKLEYS - CONFIDENTIAL

Application No. 211/391/2016

Reason for Confidentiality

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

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

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

RECOMMENDATION(S)

It is recommended to the Development Assessment Panel 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, members of the Executive and Management Teams, City Development staff in attendance at the meeting, and meeting secretariat staff, 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 the completion of the confidential session the meeting be re-opened to the public.

DEVELOPMENT ASSESSMENT PANEL DECISION

Moved: G Demetriou
Seconded: G Nitschke

That the recommendation be adopted.

CARRIED

5.48pm the meeting moved into Confidence and session commenced.

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**

The information requested by the Panel has been provided for information purposes.

RECOMMENDATION(S)

The Development Assessment Panel receives and notes the information.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

9 MEETING CLOSE

The Presiding Member declared the meeting closed at 5.55.