

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 FEBRUARY 2017
at 5.00pm

Terry Buss
Chief Executive Officer

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1 MEETING OPENED

The Presiding Member declared the meeting open at 5.00pm.

1.1 Evacuation Procedure

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

2 PRESENT

Panel Members:

Dr D Ferretti (Presiding Member)

Councillors: Mr G Nitschke, Mr T Polito, Mr G Demetriou,

Independent Members: Ms C Dunn, Mr W Stokes, Ms J Strange

Officers:

Mr T Buss (Chief Executive Officer and DAP Public Officer)

Mr A Catinari (General Manager Urban Services)

Ms J Lennon (Manager City Development)

Mr P Harnett (Senior Development Officer)

Ms J Grima (Development Officer)

Ms K Briton-Jones (Development Officer)

Ms N Durovic (EA Urban Services - Minute Secretary)

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Development Assessment Panel held on 10 January 2017 be confirmed as a true and correct record.

DEVELOPMENT ASSESSMENT PANEL DECISION

Moved: T Polito

Seconded: W Stokes

The Panel resolved that the recommendation be adopted.

CARRIED

5 DISCLOSURE STATEMENTS

Nil

6 REPORTS OF THE CHIEF EXECUTIVE OFFICER

6.1 12 Lowry Street, FULHAM

Application No. 211/1166/2016

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 and Land Division Consent for Application No. 211/1166 /2016 by Mr Adrian Sheridan to undertake land division - Torrens title; DAC No. 211/D145/16 (Unique ID 55704), Create one(1) additional allotment; and construction of two (2), single-storey detached dwellings with carports under main roof (Staged Application; stage 1 land division and stage 2 land use) at 12 Lowry Street, Fulham (CT 5655/510) for the following reasons:

The proposed development is contrary to:

Low Density Policy Area 21, Principles of Development Control 3 & 6

Reason: Neither allotment achieves the minimum site area or the minimum frontage to a public road.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.2 5 Tyson Street, ASHFORD

Application No. 211/1281/2016

RECOMMENDATION(S)

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to REFUSE Development Approval for Application No. 211/1281/2016 by Mr Maurice John Wilcox to undertake land division at 5 (allotment 97) Tyson Street, Ashford (CT 5749/419) for the following reasons:

The proposed development is contrary to

- Urban Corridor Zone Objective 1
Reason: The proposal would not facilitate medium and high density land uses.
- Urban Corridor Zone Objective 9
Reason: The proposal would not contribute to the desired character of the Urban Corridor Zone in that it will not facilitate medium density (45-70 dwellings per hectare) or high density (70-200 dwellings per hectare) residential development of 3 or more storeys, but would rather facilitate a detached dwelling.
- Urban Corridor Zone Principles of Development Control 5
Reason: The proposal would not facilitate a minimum net residential site density of 100 dwellings per hectare. The proposal would result in a net density of 25.6 or 27.3 dwellings per hectare

- Urban Corridor Zone Principles of Development Control 23
Reason: The proposal is of a size and configuration that does not ensure the objectives of the zone can be achieved.
- Boulevard Policy Area 34 Objective 1
Reason: The proposal would not facilitate medium and high density land uses.
- Boulevard Policy Area 34 Objective 4
Reason: The proposal would not contribute to the desired character of the policy area in that it will not facilitate medium and high densities and would compromise the ability to achieve the desired transformation of the policy area by facilitating a form and configuration of development that is not desired.
- Boulevard Policy Area 34 Principles of Development Control 2
Reason: The proposal would facilitate lower density residential development such as a detached dwelling.
- Council Wide, Land Division Principle of Development Control 7
Reason: Allotment 972, which is in the form of a battle-axe configuration, would not provide a driveway 'handle' with a minimum width of 4 metres.
- Council Wide, Orderly and Sustainable Development Objective 4
Reason: The proposal would prejudice the achievement of the provisions of the Development Plan
- Council Wide, Orderly and Sustainable Development Principle of Development Control 1
Reason: The proposal would prejudice the development of the Urban Corridor Zone for its intended purpose.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.3 23 Mortimer Street, KURRALTA PARK

Application No. 211/1510/2016 & 211/1217/2016

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. 211/1510/2016 by State Surveys to undertake Land Division - Torrens Title; DAC No. 211/D205/16 (Unique ID 56406) Create four (4) additional allotments at 23 Mortimer Street, Kurralta Park (CT5343/319) 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 State Surveys relating to Development Application No. 211/1510/2016 (DAC 211/D205/16).

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 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 receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to the development will be standard or non standard fees.
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 \$26704 into the Planning and Development Fund (4 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.

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. 211/1217/2016 by Yogo Design & Consulting to undertake Construction of five (5) two-storey row dwellings with garages under main roof at 23 Mortimer Street, Kurralta Park (CT5343/319) subject to the following conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the Development Act):

DEVELOPMENT PLAN CONSENT

Council Conditions

1. That the development shall be undertaken and completed in accordance with the amended plans dated 12/01/2017 and information detailed 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' (YOGO Design & Consulting - Rev C - Project No. Y160714 - Drawing No. A003, received by City of West Torrens 12 Jan 2017).
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 total build-up of the site level (excluding the building envelope) above existing ground level shall not exceed 400mm at any point.
7. 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.
8. That the upper level north, east and west 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.
9. 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 be adopted

6.4 4 Coralie Street, PLYMPTON

Application No. 211/792/2016

RECOMMENDATION(S)

The Development Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/792/2016 by Dimitrios Bonaros to undertake Land division - Torrens Title; DAC No. 211/D098/16 (Unique ID 54782); Create one(1) additional allotment at 4 Coralie Street (CT5070/805) subject to the following conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the Development Act):

DEVELOPMENT PLAN CONSENT

Council Conditions

1. Development is to take place in accordance with the plans prepared by Pyper Leaker Surveying Services relating to Development Application No. 211/792/2016 (DAC 211/D098/16).

LAND DIVISION CONSENT

Council Conditions

1. That prior to the issue of clearance to the division approved herein, the carport and outbuilding on Allotment 81 shall be removed and a covered parking space associated with the existing dwelling shall be constructed on Allotment 80. For this purpose, a separate application for both demolition and construction shall be submitted for the determination and consideration by Council.

Development Assessment Commission Conditions

2. The financial requirements of SA Water shall be met for the provision of water supply and sewage services.
The alteration of internal drains to the satisfaction of SA Water is required.
Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developer/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
3. Payment of \$6488 into the Planning and Development Fund (1 allotment/s @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

DEVELOPMENT ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted

The Presiding Member ruled that Item 8.1 Summary of Court Appeals, be brought forward for consideration at this point of the meeting prior to consideration of the Confidential Reports of the Chief Executive Officer Item 7.1 - 16 Warwick Avenue, Kurralt Park.

6.5 Item 8.1 - Summary of Court Appeals Brought Forward for Consideration at this Point of the Meeting

Monthly statistics are provided for the information of the Panel in relation to:

1. any matters being referred to the Development Assessment Commission (DAC); and
2. any 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 be adopted.

7 CONFIDENTIAL REPORTS OF THE CHIEF EXECUTIVE OFFICER

7.1 16 Warwick Avenue, KURRALTA PARK

Application No. 211/881/2015

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

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: J Strange

Seconded: C Dunn

The Panel resolved that the recommendation be adopted.

CARRIED

5.22pm the meeting moved into Confidence and session commenced.

5.26pm the Confidential session closed and the meeting reopened to the public.

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

8 SUMMARY OF COURT APPEALS

8.1 Summary of Court Appeals

This item was considered following Item 6.4 - 4 Coralie Street, PLYMPTON.

9 MEETING CLOSE

The Presiding Member declared the meeting closed at 5.29pm.