

CITY OF WEST TORRENS



**MINUTES**

**of the**

**COUNCIL ASSESSMENT PANEL**

held in the George Robertson Room, Civic Centre  
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 12 JUNE 2018**  
**at 5.00pm**

**Hannah Bateman**  
**Assessment Manager (Acting)**

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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:

Ms C Dunn (Presiding Member)

Councillor: Mr G Nitschke

Independent Members: Mr C Menz

### Officers:

Ms Hannah Bateman	(Assessment Manager - Acting)
Ms Rachel Knuckey	(Team Leader Planning)
Mr Jordan Leverington	(Senior Development Officer - Planning)
Mr Claude Barone	(Senior Development Officer - Planning)
Ms Amelia DeRuvo	(Development Officer - Planning)
Ms Ebony Cetinich	(Development Officer - Planning)

## 3 APOLOGIES

### Apologies

#### Panel Members:

Ms Jane Strange

Mrs Andreea Caddy

#### Officers:

Dr Donna Ferretti (Assessment Manager)

## RECOMMENDATION

That the apologies be received.

## COUNCIL ASSESSMENT PANEL DECISION

Moved: G Nitschke

Seconded: C Menz

That the recommendation be adopted.

**CARRIED**

## 4 CONFIRMATION OF MINUTES

### RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 8 May 2018 be confirmed as a true and correct record.

### COUNCIL ASSESSMENT PANEL DECISION

Moved: C Menz  
Seconded: G Nitschke

That the recommendation be adopted.

**CARRIED**

## 5 DISCLOSURE STATEMENTS

Nil

## 6 REPORTS OF THE ASSESSMENT MANAGER

### 6.1 38 Garfield Avenue, KURRALTA PARK

Application No 211/1268/2017 & 211/1185/2017

#### RECOMMENDATION 1

The Council 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, Land Division Consent and Development Approval for Application No. 211/1268/2017 by Studio ED3 to undertake a Land Division - Community Title to create four (4) additional lots and common property; SCAP No 211/C167/17 at 38 Garfield Avenue, Kurralta Park (CT 5720/180) for the following reasons:

1. The proposed development is contrary to the following objectives and principles of development control of the West Torrens Council Development Plan consolidated 30 May 2017:

Residential Zone, Medium Density Policy Area 19, Principle of Development Control 7

*Reason: The land division fails to achieve allotment sizes with areas greater than 270 square metres indicating an overdevelopment of the site.*

General Section - Land Division, Objective 4

*Reason: The land division is not sufficiently integrated with Brown Hill Creek (an environmental feature) located adjacent the southern boundary in that the size of the rear parcel of land causes built form to be located an insufficient distance from the banks of the creek.*

General Section - Land Division, Principle of Development Control 8

*Reason: The land division creates allotments that are of an insufficient size to encourage development that minimises the need for additional earthworks and retaining walls that are likely to impede the natural drainage system (Brown Hill Creek) to the rear.*

## COUNCIL ASSESSMENT PANEL DECISION

Moved: G Nitschke

Seconded: C Menz

The Panel resolved that this item be withdrawn.

**CARRIED**

## RECOMMENDATION 2

The Council 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. 211/1185/2017 by Studio ED3 to undertake the construction of a residential flat building comprising five (5) two storey dwellings and rear attached verandahs at 38 Garfield Avenue, Kurralta Park (CT 5720/180) for the following reasons:

1. The proposed development is contrary to the following objectives and principles of development control of the West Torrens Council Development Plan consolidated 30 May 2017:

Residential Zone, Objective 4 and Principle of Development Control 5

*Reason: The proposed development does not contribute to the desired character of the zone in that it displays insufficient landscaping to enhance the appearance of the building, provide an appropriate transition between the private and public realm and reduce heat loads in summer.*

Residential Zone, Medium Density Policy Area 19, Objective 1 and Principle of Development Control 2

*Reason: The built form proposal does not contribute to the desired character of the policy area in that it displays insufficient landscaping to enhance the appearance of the building, provide an appropriate transition between the private and public realm and reduce heat loads in summer.*

Residential Zone, Medium Density Policy Area 19, Principle of Development Control 3

*Reason: The proposed development fails to achieve the minimum rear setback of 6 metres.*

Residential Zone, Medium Density Policy Area 19, Principle of Development Control 5

*Reason: The proposed site areas for each dwelling fails to achieve an average site area of 150m<sup>2</sup> indicating an overdevelopment of the site.*

General Section - Residential Development, Principle of Development Control 9

*Reason: A high quality living environment is not achieved with internal living areas around 10% less than the standard for a 3 bedroom dwelling which will negatively impact on the amenity for future occupants of the development.*

General Section - Hazards - Objective 1 & 2, Principles of Development Control 1 & 3

*Reason: Brown Hill Creek is an area that is considered vulnerable and subject to risk of natural hazards. The proposed development is sited an insufficient distance from the creek to adequately protect it against the natural hazard risk.*

General Section - Hazards, Principles of Development Control 2 & 4

*Reason: The proposed development has not been designed or sited with sufficient regard to Brown Hill Creek and with appropriate precautions taken against the potential for flood and erosion risk.*

General Section - Hazards, Principle of Development Control 6

*Reason: The proximity of the proposed development to Brown Hill Creek is considered to potentially impede the flow of floodwaters through the subject land or land further downstream which may increase the potential hazard risk to public safety during a flood event. Furthermore the development as currently sited may aggravate the potential for erosion.*

General Section - Natural Resources, Objectives 1, 2 & 4; Principles of Development Control 1 & 2

*Reason: The proposed development does not adequately protect and maintain the natural resource (Brown Hill Creek) and the environmental flows associated with the creek.*

General Section - Natural Resources, Objective 6(a) & (d); Principle of Development Control 3

*Reason: The proposed development is not sited or designed to protect the natural ecological system forming Brown Hill Creek and fails to adequately mitigate the risk of downstream flooding.*

General Section - Natural Resources, Principle of Development Control 17

*Reason: The proposed development will modify the banks of Brown Hill Creek so that it will no longer be retained in its natural state. The modification in this case is not required for essential access or maintenance purposes.*

General Section - Natural Resources, Principle of Development Control 23 (d)

*Reason: The development proposes significant alteration to the banks of Brown Hill Creek which is likely to increase the risk of high energy erosion of the creek banks.*

**COUNCIL ASSESSMENT PANEL DECISION**

Moved: G Nitschke

Seconded: C Menz

The Panel resolved that this item be withdrawn.

**CARRIED**

## 6.2 16 Warwick Avenue, KURRALTA PARK

Application No 211/905/2017 & 211/731/2017

### RECOMMENDATION 1

The Council 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, Land Division Consent and Development Approval for Application No. 211/905/2017 by A & R Satani to undertake Land Division - Community Title; Create four (4) additional allotments and common property at 16 Warwick Avenue, Kurralta Park (CT5550/941) subject to the following conditions of consent:

#### Development Plan Consent Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.

#### Land Division Consent Conditions

#### Council Requirements

Nil

#### SCAP Requirements

2. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0061890).
3. Payment of \$27,320 into the Planning and Development fund (4 lots @ \$6,830/lot). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders 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 State Commission Assessment Panel for Land Division Certificate purposes.

### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

## RECOMMENDATION 2

The Council 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. 211/731/2017 by ZYBECK Consulting to undertake demolition of the existing dwelling and ancillary structures and construction of a two storey residential flat building comprising five (5) dwellings at 16 Warwick Avenue, Kurralta Park (CT5550/941) subject to the following conditions of consent:

### Development Plan Consent Conditions

1. The development shall be undertaken and completed in accordance with the following plans and information (except where varied by any condition(s) listed below):
  - Site Plan by Verrocchi Building Design (Project No.ZYB.073, Issue F, dated 3 May 2018);
  - Ground and First Floor Plan by Verrocchi Building Design (Project No.ZYB.073, Issue E, dated 27 April 2018);
  - Elevation Plan by Verrocchi Building Design (Project No.ZYB.073, Issue F, dated 3 May 2018);
  - Civil and Drainage Plan by KP Squared Engineering, Project No: 180305, Drawing No.C2, Issue B, dated 17 May 2018;
  - Landscape Layout Plan by LCS Landscapes (Drawing No.LS.025.18, dated 11 May.
2. 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; or
  - e) Flow across footpaths or public ways.
3. The nominated stormwater water quality device (SPEL Stormceptor Model 100/15) shall be maintained and cleaned in accordance with the manufacturer's best practice recommendations.
4. A minimum 5KL trafficable underground detention storage tank is to be provided for the site as annotated on the Civil & Drainage Plan (KP Squared Engineering, Project No: 180305, Drawing No.C2, Issue B).
5. The stormwater discharge from the detention tank shall be limited to 6L/s at all times.
6. All driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained prior to occupation, and shall be maintained in reasonable condition at all times to the satisfaction of Council.
7. All landscaping will be planted in accordance with the approved plans within three (3) months of 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 plants which may become diseased or die.
8. The upper level bedroom windows to the northern elevation of all dwellings shall include fixed obscure glazing to a minimum height of 1.7 metres from the upper floor level, and shall be maintained at all times to the reasonable satisfaction of Council.
9. The balustrades of all balconies shall include planter boxes to a minimum height of 1.7 metres from the upper floor level and shall be installed prior to occupation of the dwelling.

10. All wall cladding, roofing materials and external building finishes and colours used on the dwellings shall be natural and non-reflective, and shall be maintained to the reasonable satisfaction of Council.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

#### **6.3 32 Dudley Avenue, NORTH PLYMPTON**

Application No 211/1128/2017 & 211/922/2017

#### **RECOMMENDATION 1**

The Council 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, Land Division Consent and Development Approval for Application No. 211/1128/2017 by Dudley Avenue Pty Ltd to undertake a land division - Community Title; SCAP No. 211/C148/17; Create three (3) additional allotments and common property at 32 Dudley Avenue, North Plympton (CT5239/340) subject to the following conditions of consent:

#### **Development Plan Consent Conditions**

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. That prior to the issue of certificates to the division approved herein, all existing buildings and associated structures shall be removed from subject land (proposed Lots 1 to 4).

#### **Land Division Consent Conditions**

#### **Council Requirements**

Nil

#### **State Commission Assessment Panel (SCAP) Requirements**

3. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services.

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.

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.

4. Payment of \$20,490 into the Planning and Development fund (3 allotments @ \$6,830/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders 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 State Commission Assessment Panel for Land Division Certificate purposes.

## COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

### RECOMMENDATION 2

The Council 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. 211/922/2017 by I Think Design Studio to undertake the construction of two (2) two-storey residential flat buildings comprising four (4) dwellings at 32 Dudley Avenue, North Plympton (CT5239/340) subject to the following conditions of consent:

#### Development Plan Consent Conditions

1. The development shall be undertaken and completed in accordance with the following plans and information (except where varied by any condition(s) listed below):
  - a) Site Plan by I Think Design Studio (Project 23.2017, Revision A, dated 9 April 2017);
  - b) Ground, First Floor and Roof Plans by I Think Design Studio (Project 23.2017, Revision A, dated 9 April 2017);
  - c) Elevation Plans by I Think Design Studio (Project 23.2017, Revision A, dated 9 April 2017);
  - d) Civil and Drainage Plan by Gamma Consulting (Drawing No.17351-C01, Revision B, dated 21 December 2017).
2. 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; or
  - e) Flow across footpaths or public ways.
3. That all landscaping will be planted in accordance with the approved plan (Site Plan and Landscape Schedule prepared by I Think Design Studio, PA Sheet 1 of 11, Amended) within three (3) months of 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 plants which may become diseased or die to the reasonable satisfaction of Council.
4. That all side and rear upper level windows of Dwellings 1 and 2 within the residential flat building approved herein shall be fitted with fixed obscure glass or raised sills 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 to the reasonable satisfaction of Council.
5. That all front, side and rear upper level windows of Dwellings 3 and 4 within the residential flat building approved herein shall be fitted with fixed obscure glass or raised sills 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.
6. 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 a reasonable condition at all times.

## COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

### 6.4 37 Daly Street, KURRALTA PARK

Application No 211/916/2017 and 211/475/2017

#### RECOMMENDATION 1

The Council 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, Land Division Consent and Development Approval for Application No. 211/916/2017 by K & S Williams to undertake the land division - Community Title; SCAP No. 211/C133/17; Creating three additional allotments and common property for the purposes of residential flat buildings at 37 Daly Street, Kurralta Park (CT CT5578/271) subject to the following conditions:

#### Development Plan Consent Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.

#### Land Division Consent Conditions

##### State Commission Assessment Panel Conditions:

2. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

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 developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

3. Payment of \$20490 into the Planning and Development Fund (3 allotment(s) @ \$6830/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://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 Level 5, 50 Flinders 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.

## COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

## RECOMMENDATION 2

The Council 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. 211/475/2017 by KA Williams to undertake the construction of two (2) two-storey residential flat buildings each containing two dwellings with garage under main roof with associated landscaping and car parking at 37 Daly Street, Kurralta Park (CT CT5578/271) subject to the following conditions:

### Development Plan Consent Conditions

1. The development shall be undertaken and completed in accordance with the amended plans dated 24/04/2018 and information detailed in this application except where varied by any condition(s) listed below.
2. 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.
3. 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; or
  - e) Flow across footpaths or public ways.
4. All planting and landscaping shall be completed within three (3) months of the commencement of the use of this development and be maintained in a reasonable condition at all times. Any plants that become diseased or die shall be replaced with a suitable species.
5. With the exception of the upper level western facing windows of dwellings 1 & 2 the upper level windows of all 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 a reasonable condition at all times to the satisfaction of Council.

### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

## 6.5 81 Hayward Ave TORRENSVILLE

Application No 211/224/2018 and 211/107/2018

### RECOMMENDATION 1

The Council 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, Land Division Consent and Development Approval for Application No. 211/224/2018 by Property Solutions SA Pty Ltd to undertake a land division - Torrens Title; SCAP No. 211/D021/18 Create one (1) additional allotment at 81 Hayward Avenue (CT5795/357) subject to the following conditions of consent:

#### Development Plan Consent Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. That prior to the issue of certificates to the division approved herein, the existing carport shall be removed from Lot 132.

#### Land Division Consent Conditions

##### Council Conditions

Nil

##### State Commission Assessment Panel (SCAP) Conditions

3. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services.

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.

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.

4. Payment of \$6,830 into the Planning and Development fund (1 allotment @ \$6,830/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders 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 SCAP for Land Division Certificate purposes.

### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the item be deferred to enable the applicant to address the following matters:

- quality of open space and outlook to existing dwellings
- access to dwellings 1, 2 and 3
- General Section Design and Appearance Principle of Development Control 9.

## RECOMMENDATION 2

The Council 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. 211/107/2018 by Russo Design to undertake the construction of a single storey detached dwelling demolition of existing freestanding carport and construction of a new freestanding carport at 81 Hayward Avenue Torrensville (CT5795/357) subject to the following conditions of consent:

### Development Plan Consent Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. 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; or
  - e) Flow across footpaths or public ways.
3. That all landscaping will be planted in accordance with the approved plan (Site Plan and Landscape Schedule prepared by Russo Design dated January 2018) within three (3) months of 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 plants which may become diseased or die.
4. 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.
5. That all sides of the freestanding carport on Lot 132 shall remain open.

### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the item be deferred to enable the applicant to address the following matters:

- quality of open space and outlook to existing dwellings
- access to dwellings 1, 2 and 3
- General Section Design and Appearance Principle of Development Control 9.

## 6.6 39 Wood Street KURRALTA PARK

Application No 211/1524/2017

### RECOMMENDATION

The Council 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. 211/1524 /2017 by Mr M Sidlo to undertake Land Division and Removal of Existing Carport and Reinstatement of Garage Under Main Roof at 39 Wood Street Kurralta Park (CT5455/305) subject to the following conditions of consent.

#### Development Plan Consent Conditions

1. That the development shall be undertaken and completed in accordance with the plans and information detailed in this application except where varied by any condition(s) listed below.
2. The existing carport shall be removed and the garage under the main roof of the dwelling shall be reinstated prior to the issue of Section 51 clearance.

#### Land Division Consent Conditions

##### Council Requirements

Nil

##### State Commission Assessment Panel Requirements

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. 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 developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

2. Payment of \$6830 into the Planning and Development Fund (1 allotment @ \$6830/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://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 Level 5, 50 Flinders 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.

### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

**6.7 3 Layton Street, FULHAM**

Application No 211/424/2018

**RECOMMENDATION**

The Council 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, Land Division Consent and Development Approval for Application No. 211/424/2018 by R Stevens to undertake Land division - Torrens Title; SCAP No. 211/D042/18; Create one (1) additional allotment at 3 Layton Street, FULHAM (CT 5516/676) subject to the following conditions of consent:

**Development Plan Consent Conditions**

1. Development is to take place in accordance with the plans prepared by Cavallo Forest relating to Development Application No. 211/424/2018 (SCAP 211/D042/18).
2. Prior to the issue of certificates, all existing buildings shall be removed from proposed Lots 1 and 2 as indicated on the approved plans.

**Council Conditions**

Nil

**State Commission Assessment Panel Conditions:**

3. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. The alteration of internal drains to the satisfaction of SA Water is required.

An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non-standard. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

4. Payment of \$6830 into the Planning and Development Fund (1 allotment(s) @ \$6830/allotment).

Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders 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 State Commission Assessment Panel for Land Division Certificate purposes.

**COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

## **7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER**

### **7.1 33 & 35 Malurus Avenue, LOCKLEYS**

Application No. 211/1373/2017

#### **Reason for Confidentiality**

It is recommended that this Report be considered in CONFIDENCE in accordance with regulation 13(2)(a) (vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017*, 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 assessment panel, or any other entity, does not breach any law, or any 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 Council 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 Council Assessment Panel orders pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams, Assessment Manager, 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 Assessment Manager on the basis that 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.
2. At the completion of the confidential session the meeting be re-opened to the public.

#### **COUNCIL ASSESSMENT PANEL DECISION**

Moved: G Nitschke

Seconded: C Menz

That the recommendation be adopted.

**CARRIED**

**5.35pm** the meeting moved into Confidence and session commenced.

**5.45pm** 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 SCAP, ERD Court and deferred CAP matters - June 2018**

This report presents information in relation to:

1. any matters being determined by the State Commission Assessment Panel (SCAP);
2. any planning appeals before the Environment, Resources and Development (ERD) Court;  
and
3. any deferred items previously considered by the Council Assessment Panel.

### **RECOMMENDATION**

The Council Assessment Panel receive and note the information.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

## **9 MEETING CLOSE**

The Presiding Member declared the meeting closed at 5.48pm.