

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, 13 FEBRUARY 2018**  
**at 5.00pm**

**Angelo Catinari**  
**Assessment Manager**

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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 (Independent Presiding Member)

Councillor: Mr G Nitschke

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

### Officers:

Mr T Buss (Chief Executive Officer)

Mr A Catinari (General Manager Urban Services and Assessment Manager)

Ms H Bateman (Manager City Development)

Ms R Knuckey (Team Leader Planning)

Mr J Leverington (Senior Development Officer - Planning)

Ms A DeRuvo (Development Officer - Planning)

Ms S Gallarello (Development Officer - Planning)

Ms E Morgan (EA Urban Services - Minute Secretary)

## 3 APOLOGIES

Nil

## 4 CONFIRMATION OF MINUTES

### RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 16 January 2018 be confirmed as a true and correct record.

### COUNCIL ASSESSMENT PANEL DECISION

Moved: W Stokes

Seconded: J Strange

That the recommendation be adopted.

**CARRIED**

## 5 DISCLOSURE STATEMENTS

The following disclosures of interest were made:

Item	Type of Conflict	Panel Member
CAP Item 6.2 - 37 Daly Street, Kurralta Park	Indirect	Mr Wayne Stokes

## MOTION

Moved: C Dunn  
Seconded: G Nitschke

That Item 6.7 - 239 Anzac Highway, Plympton be brought forward for consideration prior to Item 6.4 - 299-301 Henley Beach Road, Brooklyn Park.

## 6 REPORTS OF THE ASSESSMENT MANAGER

### 6.1 69 Ashley Street, TORRENSVILLE

Application No 211/1103/2017

Representors: **Sotirios Ionna Nikitopolous** of 46 Clifford Street represented by **Xenophon Nikitopoulos & Maria Gretsas** did not appear in support of the representation.

**Anastasias Bekas** of 71 Ashley Street represented by **Kathy Xanthis** did not appear in support of the representation.

Applicant/s: **Ben Feijen** of Fen Architecture on behalf of **Megan Sypek**, the applicant, was present to answer questions of the Panel.

## 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 REFUSE Development Plan Consent for Application No. 211/1103/2017 by Amber Wynn to undertake alterations and additions (including two storey) to existing dwelling including construction of swimming pool, pool safety fencing and carport and demolition of existing carport at 69 Ashley Street, Torrensville (CT 5290/339) for the following reasons:

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

### General Section

#### Design and Appearance

Objective 1: Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

Reason: The development is not considered to be of a high design appearance that responds to and reinforces positive aspects of the local environment and built form.

PDC 1: Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:

- (a) building height, mass and proportion
- (b) external materials, patterns, colours and decorative elements
- (c) roof form and pitch
- (d) façade articulation and detailing
- (e) verandas, eaves, parapets and window screens.

Reason: The development is inconsistent with the Desired Character Statement of Torrensville Character Policy Area 28 in particular as the second storey addition is not considered to be complementary to the existing dwelling with regard to:

- a) building proportion; and
- d) façade articulation and detailing.

### Residential Development

PDC 4: Building appearance should be compatible with the desired character statement of the relevant zone, policy area or precinct, in terms of built form elements such as:

- (a) building height
- (b) building mass and proportion
- (c) external materials, patterns, textures, colours and decorative elements
- (d) ground floor height above natural ground level
- (e) roof form and pitch
- (f) façade articulation and detailing and window and door proportions
- (g) verandas, eaves and parapets
- (h) driveway crossovers, fence style and alignment

Reason: The development is inconsistent with the Desired Character Statement of Torrensville Character Policy Area 28 in particular as the second storey addition is not considered to be complementary to the existing dwelling with regard to:

- a) building proportion; and
- f) façade articulation and detailing and window and door proportions.

### **Residential Zone**

#### *Character Areas*

PDC 17 Development should be limited to one storey, except where a dwelling faces a public road (i.e. is not sited on a battleaxe allotment or at the rear of a development site) and any of the following is proposed:

(a) sympathetic two-storey additions that use existing roof space or incorporate minor extensions of roof space to the rear of the dwelling (refer to the figure below)

...*[image not included]*...

(b) in new dwellings, a second storey within the roof space where the overall building height, scale and form is compatible with existing single-storey development in the locality (refer to the figure below)

...*[image not included]*...

(c) dormer windows with a total length less than 30 per cent of the total roof length along each elevation.

Reason: The development does not offer a sympathetic two-storey addition that uses the roof space to the rear of the existing dwelling.

### **Torrensville Character Policy Area 28**

Objective 1: Development that contributes to the desired character of the policy area.

Reason: The development would not create a two storey building that is designed in a manner that is complementary to the single storey character of nearby buildings including the subject dwelling.

PDC 2: Development should not be undertaken unless it is consistent with the desired character for the policy area.

Reason: The development would not create a two storey building that is designed in a manner that is complementary to the single storey character of nearby buildings including the subject dwelling.

### **COUNCIL ASSESSMENT PANEL DECISION**

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. 211/1103/2017 by Amber Wynn to undertake alterations and additions (including two storey) to existing dwelling including construction of swimming pool, pool safety fencing and carport and demolition of existing carport at 69 Ashley Street, Torrensville (CT 5290/339) for the following reasons:

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

#### **General Section**

##### Design and Appearance

Objective 1: Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

Reason: The development is not considered to be of a high design appearance that responds to and reinforces positive aspects of the local environment and built form.

PDC 1: Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:

- (a) building height, mass and proportion
- (b) external materials, patterns, colours and decorative elements
- (c) roof form and pitch
- (d) façade articulation and detailing
- (e) verandas, eaves, parapets and window screens.

Reason: The development is inconsistent with the Desired Character Statement of Torrensville Character Policy Area 28 in particular as the second storey addition is not considered to be complementary to the existing dwelling with regard to:

- a) building proportion; and
- d) façade articulation and detailing.

##### Residential Development

PDC 4: Building appearance should be compatible with the desired character statement of the relevant zone, policy area or precinct, in terms of built form elements such as:

- (a) building height
- (b) building mass and proportion
- (c) external materials, patterns, textures, colours and decorative elements
- (d) ground floor height above natural ground level
- (e) roof form and pitch
- (f) façade articulation and detailing and window and door proportions
- (g) verandas, eaves and parapets
- (h) driveway crossovers, fence style and alignment

Reason: The development is inconsistent with the Desired Character Statement of Torrensville Character Policy Area 28 in particular as the second storey addition is not considered to be complementary to the existing dwelling with regard to:  
 a) building proportion; and  
 f) façade articulation and detailing and window and door proportions.

PDC 16: Garages, carports and residential outbuildings should not dominate the streetscape and not adversely impact on the safety of road users and pedestrians, and be designed within the following parameters:

Parameter	Value
Maximum floor area	60 square metres
Maximum wall height	3 metres
Maximum building height	5 metres
Minimum setback from a primary road frontage	Garages and carports sited no closer to the primary road frontage than any part of its associated dwelling Outbuildings should not protrude forward of any part of its associated dwelling
Minimum setback from a secondary road frontage	0.9 metres or in line with the existing dwelling
Maximum length along the boundary	8 metres or 50 per cent of the length along that boundary (whichever is the lesser)
Maximum frontage width of garage or carport with an opening facing a rear access lane	No maximum
Maximum frontage width of garage or carport opening facing the street	6 metres or 50 per cent of the allotment frontage, whichever is less

Reason: The development is inconsistent with the parameter for the maximum length along the boundary.

PDC 35: Swimming pools, outdoor spas and associated ancillary equipment and structures should be sited to protect the amenity of adjoining residential land.

Reason: The development is not positioned in a suitable location for a swimming pool due the impact on adjoining properties.

**Residential Zone**

*Character Areas*

PDC 17: Development should be limited to one storey, except where a dwelling faces a public road (i.e. is not sited on a battleaxe allotment or at the rear of a development site) and any of the following is proposed:

(a) sympathetic two-storey additions that use existing roof space or incorporate minor extensions of roof space to the rear of the dwelling (refer to the figure below)

...[image not included]...

(b) in new dwellings, a second storey within the roof space where the overall building height, scale and form is compatible with existing single-storey development in the locality (refer to the figure below)

...[image not included]...

- (c) dormer windows with a total length less than 30 per cent of the total roof length along each elevation.

Reason: The development does not offer a sympathetic two-storey addition that uses the roof space to the rear of the existing dwelling.

### **Torrensville Character Policy Area 28**

Objective 1: Development that contributes to the desired character of the policy area.

Reason: The development would not create a two storey building that is designed in a manner that is complementary to the single storey character of nearby buildings including the subject dwelling.

PDC 2: Development should not be undertaken unless it is consistent with the desired character for the policy area.

Reason: The development would not create a two storey building that is designed in a manner that is complementary to the single storey character of nearby buildings including the subject dwelling.

### **6.2 37 Daly Street, KURRALTA PARK**

**5.11pm** Wayne Stokes declared an indirect conflict of interest in this item due to long term business and family connections and left the meeting for the discussion and vote on the item.

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

Representors: [REDACTED], appeared in support of the representation.

Applicant **Kent Williams** of Connekt Urban Projects appeared to respond to representations and answer questions.

### **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 and Land Division Consent for Application No. 211/916/2017 by KA Williams to undertake land division - Community Title; SCAP No. 211/C133/17 (Unique ID 58973); Create three (3) additional allotments and common property at 37 Daly Street, Kurralta Park (CT5578/271) for the following reasons:

The application is contrary to the following provisions of the City of West Torrens Development Plan consolidated 30 May 2017:

#### **General Section**

##### ***Land Division***

Objective 2 Land division that creates allotments appropriate for the intended use.

PDC 2 Land should not be divided if any of the following apply:

- (a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use.



- PDC 4 The design of a land division should incorporate:
- (c) safe and convenient access from each allotment to an existing or proposed road or thoroughfare.

- PDC 5 Land division should result in allotments of a size suitable for their intended use.

*Reason:* There is insufficient space provided for landscaping and safe and convenient vehicle movements within the proposed development.

## COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the item be deferred to enable the applicant to address the matters identified in the recommendation as reasons for refusal.

## 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. 211/475 /2017 by K & S 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 (CT5578/271) for the following reasons:

The development is contrary to the following provisions of the City of West Torrens Development Plan consolidated on 5 May 2016:

### *Landscaping, Fences and Walls*

- Objective 1: The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.

- PDC 1: Development should incorporate open space and landscaping and minimise hard paved surfaces in order to:
- (a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)
  - (b) enhance the appearance of road frontages
  - (d) minimise maintenance and watering requirements
  - (e) enhance and define outdoor spaces, including car parking areas
  - (f) maximise shade and shelter
  - (g) assist in climate control within and around buildings
  - (h) minimise heat absorption and reflection
  - (i) maintain privacy
  - (j) maximise stormwater reuse
  - (m) promote water and biodiversity conservation.

*Reason:* The landscaping areas around the perimeter of the common property driveway in particular, lacks adequate dimension and space for the planting of substantial and functional landscaping.

- PDC 3: Landscaping should not:
- (a) unreasonably restrict solar access to adjoining development; and
  - (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding.

*Reason:* It has not been demonstrated that the proposed planting will not overshadow the dwelling/s on adjoining land in the afternoon, and, that there will not be issues arising from root invasion into the adjoining land.

## *Transportation and Access*

### *Vehicle Parking*

PDC 34 Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table WeTo/2 - Off Street Vehicle Parking Requirements.

Reason: Excessively tight and inconvenient vehicle access for two vehicles in each garage may reduce the effective number of space able to be used within the development.

PDC 36 Vehicle parking areas should be sited and designed to:  
(c) facilitate safe and convenient traffic circulation  
Reason: The arrangements for access and egress from the visitor parking are not safe and convenient.

### *Vehicle Parking for Residential Development*

PDC 44 On-site vehicle parking should be provided having regard to:  
(a) the number, nature and size of proposed dwellings  
(b) proximity to centre facilities, public and community transport within walking distance of the dwellings  
(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons.

Reason: The garages are of narrow width dimensions and will provide restricted access when two vehicles are required to be parked within them. This has the potential to effectively restrict the overall number of parking spaces available within the development.

## **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the item be deferred to enable the applicant to address the matters identified in the recommendation as reasons for refusal and in addition to address light access to the dwellings and covered private open space in accordance with General Section Residential Development Principle of Development Control 18.

**5.24pm** Mr Wayne Stokes returned to the meeting.

**6.3 297 & 299-301 Henley Beach Road, BROOKLYN PARK**

Application No 211/826/2017

Representors: **Mrs Mary Reid** of 2 Allen Avenue, Brooklyn Park, did not appear in support of the representation.

Applicant **Mr Andrew Cronin** on behalf of **Mr Jim Kyriakopoulos** of Andrash Pty Ltd, was present to answer questions of the Panel.

**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 for Application No. 211/826/2017 by Andrash Pty Ltd to undertake demolition of existing dwelling and an outbuilding and the change of use from residential to carpark ancillary to a petrol filling station at 297 & 299-301 Henley Beach Road, Brooklyn Park (CT 5628/673, 5650/976 & 5644/336) subject to the following conditions of consent:

**Development Plan Consent Conditions****Council 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 stormwater quality measures shall be implemented to ensure that all surface run-off, stormwater or other liquid discharging from the site, is free of site contaminants. These contaminants include, but are not limited to oils, grease, fuels, rubbish, litter or silt. Stormwater discharge should be in accordance with the following table:

Parameter	Target
Litter/Gross pollutant	Retention of litter greater than 50mm for flows up to the 3 month ARI peak flow
Oil and Grease	No visible oils for flows up to the 3 month ARI peak flow
Reduction in Average Annual Total Suspended Solids (TSS)	80% *1
Reduction in Average Annual Total Phosphorous (TP)	60% *1
Reduction in Average Annual Total Nitrogen (TN)	45% *1

3. 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.
4. That all car parking spaces shall be linemarked, in accordance with the approved plans and in accordance with Australian Standard 2890.1, 2004 Parking Facilities, Part 1, Off Street Car parking, prior to the occupation of the proposed development. Linemarking and directional arrows shall be clearly visible at all times.

5. That a 150mm kerb shall be constructed to separate car parking spaces and driveways from landscaping areas.
6. That driveways, carparking spaces, manoeuvring areas and landscaping areas shall not be used for storage or display of materials or goods including waste products and refuse.
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.

#### **Conditions imposed upon advice of DPTI**

8. The new car parking area shall be fully integrated with the existing elements of the service station development. Accordingly, vehicular access to serve the car park shall be gained internally from within the service station development and not directly to/from Henley Beach Road at all times.
9. The obsolete crossover shall be reinstated to Council standard kerb and gutter prior to use of the new car park.
10. Vehicles shall enter and exit the site in a forward direction.
11. No stormwater from this development shall be permitted to discharge on-surface to Henley Beach Road.

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

The Panel resolved that the recommendation be adopted.

#### **6.7 239 Anzac Highway, PLYMPTON (Brought Forward for Consideration at this Point of the Meeting)**

Application No 211/1078/2017

Representors: **Tamara King** of Unit 1/3 Long Street, Plympton wishes to appear in support of their representation.

Applicant **Mr Shaun Quinn** appeared in support of the application.

**Trevor Bannister** from Alpha Industries did not appear in support of the application.

#### **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 for Application No. 211/1078/2017 by Alpha Industries to undertake the partial demolition of an existing structure and the construction of a warehouse at 239 Anzac Highway, Plympton (CT5484/44) subject to the following conditions of consent:

#### **Council 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 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 driveways, carparking spaces, manoeuvring areas and landscaping areas shall not be used for storage or display of materials or goods including waste products and refuse.
4. That all loading and unloading of goods and merchandise shall be carried out upon the subject land and no loading of any goods or merchandise shall be permitted to be carried out in the street.
5. That any lights on the subject site shall be directed and screened so that overspill of light into the nearby premises is avoided and minimal impact on passing motorists occurs.

#### Note

1. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

#### **6.4 299-301 Henley Beach Road, BROOKLYN PARK**

Application No 211/817/2017

#### **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 for Application No. 211/817/2017 by Andrash Pty Ltd to undertake the alteration to an existing freestanding pylon sign, illumination of signage on the canopy fascia and installation of signage to fascia of the front façade of the existing building at 299-301 Henley Beach Road, Brooklyn Park (CT 6153/807 & 6153/806) subject to the concurrence of the State Planning Commission and the following conditions of consent:

#### **Development Plan Consent**

Council 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 the sign, herein approved, shall be maintained in good repair with all words and symbols being clearly visible at all times.

Conditions imposed upon the direction of Department of Planning, Transport, and Infrastructure:

3. The signage shall not contain any element of LED or LCD display, except for the fuel prices, which shall be limited to static white text on a black background only.
4. No element of the signage shall flash, scroll, move or change, with the exception of the fuel prices, which may change on an infrequent basis. The change of fuel prices shall be instantaneous (i.e. less than 0.1 seconds).
5. The operational system for any electronic signage on the site shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
6. The illuminated pylon sign shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. The following luminance levels shall be incorporated into an automatic stepped dimming system:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m <sup>2</sup> )
Sunny day	40000	6300
Cloudy day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	150

7. All other illuminated signage shall be limited to a maximum of 150 cd/m<sup>2</sup>.
8. The separation between the pylon sign and the line of sight for south bound motorists to the signal lanterns shall be maximised so as to minimise the likelihood of confusion for motorists.
9. All signage on the site shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.
10. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent the subject land.

**COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

## 6.5 15 Marleston Avenue, ASHFORD

Application No 211/1176/2017

### 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. 211/1176/2017 by Alliance Eco Developments Pty Ltd to undertake Combined Application: Land division - Torrens Title; SCAP No. 211/D164/17 (Unique ID 59565), Create three (3) additional allotments; and construction of four (4) two-storey row dwellings with associated fencing and landscaping at 15 Marleston Avenue, ASHFORD (CT5843/145) subject to the following conditions of consent:

### Development Plan 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 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. That all landscaping will be planted in accordance with the approved plan (Landscaping Layout Plan prepared by MCA Design (SA) Pty Ltd, Sheet 1 of 9 dated 18 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 upper level windows on the south and west (rear) elevations 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.
5. 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.
6. That the carport for Dwelling 4 approved herein shall not be enclosed on the western side and therefore kept open at all times.
7. That prior to the issue of clearance 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 Conditions

Nil

## State Commission Assessment Panel Conditions

8. The financial requirements of the SA Water shall be met for the provision of water and sewerage services (SA Water H0051993).

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

9. Payment of \$20,490 into the Planning and Development fund (3 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 Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
10. 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.

### 6.6 23 Bice Street, MARLESTON

Application No 211/1002/2017, 211/1003/2017, 211/1211/2017

#### 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. 211/1002/2017 by Dagar Pty Ltd to undertake a Land Division - Torrens Title; DAC No 211/D142/17 at 23 Bice Street, Marleston (CT5572/719) subject to the following conditions of consent:

#### DEVELOPMENT PLAN CONSENT CONDITIONS

1. Development is to take place in accordance with the plans prepared by SKS Surveys Pty Ltd relating to Development Application No. 211/1002/2017 (DAC 211/D142/17).
2. That prior to the issue of certificates for the division approved herein, the existing structures shall be removed from existing allotment 76.

#### LAND DIVISION CONSENT CONDITIONS

##### Council Conditions

Nil



### **State Commission Assessment Panel Conditions**

3. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0057783).  
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 \$6,830 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 Development Assessment 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 Development Assessment Commission for Land Division Certificate purposes.

### **COUNCIL ASSESSMENT PANEL DECISION**

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. 211/1002/2017 by Dagar Pty Ltd to undertake a Land Division - Torrens Title; DAC No 211/D142/17 at 23 Bice Street, Marleston (CT5572/719) subject to the following conditions of consent:

#### ***DEVELOPMENT PLAN CONSENT CONDITIONS***

1. Development is to take place in accordance with the plans prepared by SKS Surveys Pty Ltd relating to Development Application No. 211/1002/2017 (DAC 211/D142/17).
2. That prior to the issue of certificates for the division approved herein, the existing structures shall be removed from existing allotment 76.

#### ***LAND DIVISION CONSENT CONDITIONS***

##### **Council Conditions**

Nil

### **State Commission Assessment Panel Conditions**

3. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0057783).  
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 \$6,830 into the Planning and Development fund (1 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 Development Assessment 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 Development Assessment Commission for Land Division Certificate purposes.

## 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, Land Division Consent and Development Approval for Application No. 211/1003/2017 by Dagar Pty Ltd to undertake a Land Division - Community Title; DAC No 211/D142/17 at 23 Bice Street, Marleston (CT5572/719) subject to the following conditions of consent:

### **DEVELOPMENT PLAN CONSENT CONDITIONS**

1. Development is to take place in accordance with the plans prepared by SKS Surveys Pty Ltd relating to Development Application No. 211/1003/2017 (DAC 211/C143/17).
2. That prior to the issue of certificates for the division approved herein, the existing structures shall be removed from existing allotment 76.

### **LAND DIVISION CONSENT CONDITIONS**

#### **Council Conditions**

Nil

#### **State Commission Assessment Panel Conditions**

3. The financial requirements of SA Water shall be met for the provision of water supply.

The developer must advise SA Water the preferred servicing option. Information can be found at: <http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information> 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 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 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.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

### RECOMMENDATION 3

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. 211/1211/2017 by M K Dagar to undertake the Construction of two (2) storey detached dwelling and a two (2) storey residential flat building containing two (2) dwellings each with rear alfresco and double garage under main roof with associated retaining walls and fencing at 23 Bice Street, Marlestone (CT5572/719) subject to the following conditions of consent:

#### DEVELOPMENT PLAN CONSENT CONDITIONS

1. The development must be undertaken and completed in accordance with Job No #403; Site plan, Landscape Plan, Floor Plan, Elevations, Streetscape Plans prepared by In Property Design dated as received 30 January 2018; shadow diagrams dated as received 8 December 2017, Design Comments (Project No 17200), and sketch received dated 8 December 2017, Civil and Drainage Plan, Job No C24528, Issue No B dated as received 31 January 2018 prepared by Residential, Commercial and Industrial Consulting Engineers unless otherwise varied by another condition of consent.
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 into the land of an adjoining owner; and not flow across footpaths or public ways.
3. Any retaining walls be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
4. 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 to the satisfaction of Council.
5. All planting and landscaping will be completed within three (3) months of occupation 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.
6. External materials and finishes must be non-reflective.
7. The upper level eastern and northern windows of Dwelling 1; the upper level eastern and northern windows of Dwellings 2; and the upper level eastern and southern windows of Dwelling 3 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 buildings. The glazing in these windows shall be maintained in reasonable condition at all times to the satisfaction of Council.

#### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

#### 6.7 239 Anzac Highway, PLYMPTON

This item was considered prior to Item 6.4 - 299-301 Henley Beach Road, Brooklyn Park.

**6.8 14 Good Street, FULHAM**

Application No 211/757/2017

**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, Land Division Consent and Development Approval for Application No. 211/757/2017 by T Ajkunic for Land division - Torrens Title; DAC No. 211/D110/17 (Unique ID 58497); Create one (1) additional allotment at 14 Good Street, Fulham Gardens (CT 5652/699) subject to the following conditions of consent:

**Development Plan Consent Conditions**

1. Development is to take place in accordance with the plans prepared by State Surveys (Reference 17272) relating to Development Application No.211/757/2017 (DAC 211/D110/17).
2. The existing dwelling and any associated outbuildings and infrastructure shall be removed from the land prior to Section 51 Development Act 1993 clearance.

**Land division Consent Conditions -**

## 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 necessary easements shall be vested to SA Water.

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 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's/owner's cost to ensure that the pipework relating to each allotment is contained within its boundaries.

4. Payment of \$6,676 into the Planning and Development Fund (1 allotment(s) @ \$6,676/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.

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.

**COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

## 6.9 11 Cornwall Street, LOCKLEYS

Application No 211/694/2017

### 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. 211/694 /2017 by Joseph Vozzo to undertake Combined land division - Torrens Title; DAC No. 211/D098/17 (Unique ID 58316); Create one (1) additional allotment and construction of two single storey detached dwellings each with single garage under main roof at 11 Cornwall Street, Lockleys (CT5094/714), subject to the following conditions of consent:

### Development Plan Consent Conditions

1. The development shall be undertaken and completed in accordance with the plan of division prepared by Elite Land Solutions dated 5 December 2017 and plans marked A01 to A06 prepared by LS Design Construct as amended on 13 December 2017 for two detached dwellings and information detailed in this application except where varied by any condition(s) listed below.
2. 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 promptly replace any landscaping which may become seriously diseased or die, all to the reasonable satisfaction of Council.
3. The driveway for Residence 1 shall be located and constructed so as to maintain a setback of not less than 1.5m from the existing street tree located approximately 6.4m from the eastern boundary of the subject land.
4. The driveways shall be located in accordance with the approved site plan as amended on 13 December 2017 and shall be flared 300mm either side of the crossover invert at the kerblines.
5. The finished floor levels of each dwelling relative to the adjacent street water table shall be provided prior to issue of Development Approval and shall be not less than 350mm above the kerb invert level.
6. 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.

## Land Division Consent Conditions

### State Commission Assessment Panel Conditions

7. 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 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's/owner's cost to ensure that the pipework relating to each allotment is contained within its boundaries.

8. Payment of \$6,676 into the Planning and Development Fund (1 allotment(s) @ \$6,676/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 by cheque or card, at Level 5, 50 Flinders Street, Adelaide.
9. 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.

#### 6.10 37 & 39 Malurus Avenue, LOCKLEYS

Application No 211/1309/2017 & 211/1159/2017

#### 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. 211/1309 /2017 by Australian Living Pty Ltd to undertake Land division - Torrens Title; SCAP No. 211/D172/17 (Unique ID 59713); Create one (1) additional allotment at 37-39 Malurus Avenue, Lockleys (CT 5415/670, CT 5434/965) for the following reasons:

The proposed land division is contrary to the following provisions of the City of West Torrens Development Plan consolidated 30 May 2017:

#### General Section

Objective 2: Land division that creates allotments appropriate for the intended use.

Reason: The intended detached dwellings on narrow allotments is unsuitable in the context of the established and desired character for the Lockleys Character Policy Area 25.

- PDC 2: Land should not be divided if any of the following apply:
- (a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use
  - (c) the intended use of the land is likely to require excessive cut and/or fill

Reason: The width of the proposed allotments does not reinforce but detracts from the allotment pattern in the Lockleys Character Policy Area 25.

- PDC 5: Land division should result in allotments of a size suitable for their intended use.

Reason: The narrow configuration of the allotments makes them unsuitable to accommodate dwellings of a width and scale that is consistent with the Desired Character for the Lockleys Character Policy Area 25.

## **Residential Zone**

### *Land Division*

- PDC 5 Land division may only occur where there is an accompanying application for dwellings that are consistent with the desired character statement for the policy area.

Reason: The proposed narrow and smaller allotments and dwellings that can be built on them are not consistent with the existing pattern of development or the Desired Character for the Lockleys Character Policy Area 25.

### *Character Areas*

- PDC 22 The division of land should occur only where it will be consistent with the existing pattern and scale of allotments.

Reason: The frontage width of the allotments is not consistent with the pattern and scale of development in the Lockleys Character Policy Area 25.

## **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* REFUSE Development Plan Consent for Application No. 211/1159/2017 by Australian Living Pty Ltd to undertake construction of three (3) single storey dwellings each with garage under main roof at 37-39 Malurus Avenue, Lockleys (CT 5415/670, CT 5434/965) for the following reasons:

The proposed development is contrary to the following provisions of the City of West Torrens Development Plan consolidated on 30 May 2017:

### **General Section**

#### *Design and Appearance*

- Objective 1: Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

Reason: The narrow width of each dwelling site is insufficient to accommodate dwellings that reinforce the local environment and built form.

- PDC 1: Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:
- (a) building height, mass and proportion;
  - (b) roof form and pitch;
  - (c) façade articulation and detailing; and
  - (d) Verandahs, eaves, parapets and window screens.

Reason: The proposed dwellings do not have design characteristics that reflect the Desired Character for the Lockleys Character Policy Area 25 which incorporates wider, larger dwellings on allotments with wide frontages.

#### *Relationship to the Street and Public Realm*

- PDC 13: Buildings, landscaping, paving and signage should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.

Reason: The building facades and limited areas available for landscaping do not maintain a coordinated appearance of development within the streetscape.

#### *Orderly and Sustainable Development*

- Objective 1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.

Reason: The change in the scale and appearance of the built form will detract from the orderliness and pleasant environment within the locality.

- PDC 1 Development should not prejudice the development of a zone for its intended purpose.

Reason: The zone contains policy areas with specific objectives and desired characters. The proposal will prejudice the development of the Lockleys Character Policy Area 25 from the manner intended.

### **Residential Development**

#### *Design and Appearance*

- PDC 4: Building appearance should be compatible with the desired character statement of the relevant zone, policy area or precinct, in terms of built form elements such as:
- (a) building height
  - (b) building mass and proportion
  - (c) external materials, patterns, textures, colours and decorative elements
  - (d) ground floor height above natural ground level
  - (e) roof form and pitch
  - (f) facade articulation and detailing and window and door proportions
  - (g) verandahs, eaves and parapets

Reason: The limited width of each site prejudices the form and scale of the dwellings such that they compromise the achievement of these aspects of the development.



## Residential Zone

Objective 4: Development that contributes to the desired character of the zone.

Reason: The form of the proposed development does not contribute to the desired character of Lockleys Character Policy Area 25 but detracts from it through the construction of small scale dwellings on uncharacteristically narrow allotments.

### *Form and Character*

PDC 5: Development should not be undertaken unless it is consistent with the desired character for the zone and policy area.

Reason: The form of the proposed development does not contribute to the desired character of Lockleys Character Policy Area 25 but detracts from it.

### *Character Areas*

PDC 18: Development should preserve and enhance streetscapes by:

- (a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality; and
- (b) limiting the number of driveway crossovers.

Reason: The application does not demonstrate compliance with this principle with respect to the style, height and scale of fencing and introduces an additional crossover on narrow frontages.

PDC 20: Where a new dwelling is constructed alongside or within a group of older style residential buildings, the new dwelling should be of a similar height, scale and proportions and be constructed of materials that complement and reinforce the character and design elements of existing buildings.

Reason: The proposed dwellings are not of a suitable scale and proportion to complement and/or reinforce the character and design of existing buildings.

## Lockleys Character Policy Area 25

Objective 1: Development that contributes to the desired character of the policy area.

### *Desired Character*

The policy area will contain detached dwellings (or buildings that look like detached dwellings).

Allotments will be very low density with wide street frontages and even deeper side boundaries. Subdivision will reinforce the existing allotment pattern which is a significant positive feature of the policy area.

There will be a unity of built-form, particularly as viewed from the street, where all new development is complementary to the key character elements of inter-war bungalows, Dutch colonial-style and art-deco style dwellings, rather than dominating or detracting from them. Key elements of this character include pitched roofs, verandahs/porticos and masonry building materials.

There will be no garages/carports forward of the main façade of buildings. Large front setbacks provide space for generous landscaping in front yards which, in turn, have a positive impact on the streetscape given the low front boundary fencing. Any driveway crossovers will be carefully designed and located to ensure the preservation of street trees which have an important positive impact on the streetscape.

Reason: The form of the proposed development does not contribute to the Desired Character of Lockleys Character Policy Area 25 but detracts from it through the location of inappropriately narrow dwellings on sites that are not in keeping with the pattern of development in the Area.

#### *Form and Character*

PDC 2: Development should not be undertaken unless it is consistent with the desired character for the policy area.

Reason: The form and scale of the proposed development does not contribute to the Desired Character of Lockleys Character Policy Area 25 but detracts from it through the location of inappropriately narrow dwellings on sites that are not in keeping with the pattern of development in the Area.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

#### **6.11 5 Layton Street, FULHAM**

Application No 211/1303/2017

#### **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, Land Division Consent and Development Approval for Application No. 211/1303/2017 by M A Daniells to undertake a Land division - Torrens Title; SCAP No. 211/D170/17 (Unique ID 59703); Create one (1) additional allotment at 5 Layton Street, FULHAM (CT5699/207) 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. 211/1303/2017 (SCAP 211/D170/17).
2. Prior to the issue of certificates, all existing buildings shall be removed from proposed Lots 102 and 103 as indicated on the approved plans.

#### *LAND DIVISION CONSENT*

#### **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.

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.

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 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.

**COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

**6.12 97 Lipsett Terrace, BROOKLYN PARK**

Application No 211/1121/2017 & 211/1025/2017

**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. 211/1121/2017 by Mr Harmendar Athwal to undertake a land division - Torrens Title; SCAP No. 211/D159/17 (Unique ID 59426); Create one (1) additional allotment at 97 Lipsett Terrace, Brooklyn Park (CT6126/950) 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 and 2).

## Land Division Consent Conditions

### State Commission Assessment Panel Conditions

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

The internal drains shall be altered to the satisfaction of the SA Water Corporation.

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.

4. 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 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. 211/1015/2017 by Mr Harmendar Athwal to undertake the construction of two (2) single storey detached dwellings each with front verandahs, alfrescos and single garages under main roof at 97 Lipsett Terrace, Brooklyn Park (CT6126/950) subject to the following conditions of consent:

#### Planning 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; and not flow across footpaths or public ways.

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 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 the stormwater connection to the street watertable shall satisfy the following requirements:
  - 100 x 50 x 2mm RHS Galvanised Steel; or
  - 125 x 75 x 2mm RHS Galvanised Steel; or
  - Multiples of the above.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

#### **6.13 30 Shierlaw Street, RICHMOND**

Application No 211/966/2017

#### **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. 211/966/2017 by Takumi Takahashi to undertake Combined Application: Land division - Torrens Title; SCAP No. 211/D138/17 (Unique ID 59059), Create one (1) additional allotment; and construction of a single-storey detached dwelling at (CT5171/574) subject to the following conditions of consent:

#### **DEVELOPMENT PLAN CONSENT CONDITIONS**

1. Development is to take place in accordance with the plans prepared by State Surveys relating to Development Application No. 211/966/2017 (SCAP 211/D138/17).
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; and not flow across footpaths or public ways.Final calculations shall be submitted to City Assets for approval, prior to the issue of Building Rules Consent.
3. 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.
4. 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.
5. That prior to the issue of certificates the proposed carport for the existing dwelling on allotment 701 must be constructed.

## **LAND DIVISION CONSENT CONDITIONS**

### **Council Conditions**

Nil

### **State Commission Assessment Panel Conditions**

6. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0062535). 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.
7. Payment of \$6830 into the Planning and Development fund (1 lots(s) @ \$6830 /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.
8. 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 26 Kingston Ave, RICHMOND**

Application No. 211/412/2017

#### **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 should 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: C Dunn  
Seconded: J Strange

That the recommendation be adopted.

**CARRIED**

**6.00pm** the meeting moved into Confidence and session commenced.

**6.02pm** 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 and ERD Court Matters - February 2018

This report presents information in relation to:

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

## RECOMMENDATION

The Council Assessment Panel receive and note the information.

## COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

The Presiding Member proposed that amendments be made to the Council Assessment Panel meeting procedures in relation to (14)(11)(e). The Administration undertook to prepare draft amendments to the *Procedures at Council Assessment Panel Meetings* and present a report for the Panel's consideration at the next meeting.

## 9 MEETING CLOSE

The Presiding Member declared the meeting closed at 6.05pm.