

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, 16 JANUARY 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 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 E Cetinich (Development Officer - Planning)

Mr C Barone (Senior 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 12 December 2017 be confirmed as a true and correct record.

### COUNCIL ASSESSMENT PANEL DECISION

Moved: J Strange

Seconded: C Dunn

That the recommendation be adopted.

**CARRIED**

## 5 DISCLOSURE STATEMENTS

The following disclosures of interest were made:

<b>Item</b>	<b>Type of Conflict</b>	<b>Panel Member</b>
6.3 - 58 & 80 South Road, Torrensville	Indirect Pecuniary	Ms Colleen Dunn
6.3 - 58 & 80 South Road, Torrensville	Indirect Pecuniary	Mr Graham Nitschke
6.6 - 22 Talbot Avenue, North Plympton	Direct Personal	Ms Jane Strange

Mr George Demetriou was called upon as Deputy Member to Mr Graham Nitschke for Item 6.3 - 58 & 80 South Road, Torrensville, however, he also declared an indirect pecuniary conflict of interest.

## 6 REPORTS OF THE ASSESSMENT MANAGER

### 6.1 44 Gray Street, PLYMPTON

Application No 211/273/2017 and 211/429/2017

Representors: **Robert Ouwehand** of 65 Gray Street did not appear in support of the representation.

Applicant/s: **Matt King** from Urban and Regional Planning Solutions on behalf of the applicant Zybek Consulting and Management appeared to answer questions of the Panel.

### 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 and Land Division Consent for Application No. 211/429/2017 by C & B Family Investments undertake a land division - Community Title; SPAC No. 211/C055/17; Create three (3) additional allotments and common property at 44 Gray Street, Plympton (CT 5439/296) subject to the following conditions of consent:

#### DEVELOPMENT PLAN CONSENT

##### Council Conditions

1. Development is to take place in accordance with the plans prepared by Fyfe Pty Ltd relating to Development Application No. 211/429/2017 (SPAC 211/C055/17).
2. That prior to the issue of clearance to this division approved herein, the existing structures shall be removed from proposed allotment 10.

#### LAND DIVISION CONSENT

##### Council Requirements

Nil

##### State Commission Assessment Panel Requirements

1. 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.

2. Payment of \$20,028 into the Planning and Development fund (3 allotments @ \$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 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.
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 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. 211/273/2017 by Zybek Consulting Management to undertake demolition of existing dwelling and associated structures and construct a residential flat building comprising four (4) dwellings at 44 Gray Street, Plympton (CT 5439/296) subject to the following conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the Development Act):

#### Reserved Matters:

The following information shall be submitted for further assessment and approval by the City of West Torrens as reserved matters under Section 33(3) of the Development Act 1993:

1. Mechanisms of retaining or land stabilisation methods proposed within close proximity of Brownhill Creek with a revised 'Civil and Drainage Plan' and the Earthworks and Paving Details to the satisfaction of Manager City Assets.

#### Council Conditions:

1. The development must be undertaken and completed in accordance with Project No 1387: Existing Site / Demolition Plan received 14 August 2017; Proposed Site Plan and Lower Floor Level Plan, Revision A dated as received 14 December 2017; Proposed Site and Upper Floor Level Plan dated as received 14 August 2017 prepared by Abela Design and Drafting; Civil and Drainage Plan Issue B dated as received 15 December 2017 prepared by KP Squared 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. Stormwater detention shall be undertaken to restrict the discharge from the total development site to a maximum of 20 litres per second for the site for a critical 20 Year ARI storm event. A stormwater drainage plan shall be submitted and approved by Council prior to the lodgement of Building Rules Consent.
4. Any retaining walls be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
5. 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.

6. 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.
7. External materials and finishes must be non-reflective.
8. The upper level rear windows of Dwelling 4 and the upper level northern windows of Dwellings 1-4 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.
9. Fencing along the southern boundary shall be of a nature that shall not restrict the flows of Brownhill Creek to the satisfaction of Council.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

#### **6.2 17 Keith Street, NORTH PLYMPTON**

Application No 211/704/2017 and 211/399/2017

Representors: **Wendy Sullivan** of 22 Keith Avenue, North Plympton appeared in support of the representation.

Applicant/s Applicant was not in attendance.

#### **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. 211/704/2017 by Holmes Property Developments Pty Ltd to undertake Land division - Community Title; DAC No. 211/C103/17 (Unique ID 58379); to create four (4) additional allotments and common property at 17 Keith Street, North Plympton (CT 5715/633) for the following reasons:

1. The proposed development is contrary to:
  - General Section, Objectives Land Division 2, 3 & 4.  
Reason: The proposed community lots and common property are not suitable as the arrangement and dimensions are not suited to satisfying the requirements for an appropriate combination of vehicle manoeuvring spaces and landscaping. Energy efficiency will be detrimentally impacted due to the lack of air movement and shade and cooling landscaping around the proposed building.

- General Section, Principles of Development Control, Land Division 2(a), 5, 6 & 8(e).  
Reason: The dimensions of the proposed community lots and common property do not provide suitable dimensions and space for both convenient vehicle movements and are therefore not considered suitable for their intended purposes. The combination of the continuous form of the building down the allotment creates a lack of air movement through the development and minimal opportunity for landscaping resulting in reduced environmental performance. Landscaping is located very close to the eastern and northern boundaries of the subject land and has potential to intrude into adjoining premises.
- General Section, Landscaping, Fences and Walls Objectives 1 & 2.  
Reason: The development creates an allotment layout that constrains the ability to provide sufficient landscaping to enhance any future development to an acceptable extent.
- General Section, Landscaping Fences and Walls, Principles of Development Control 1 (a), (b), (d) to (h), (j) & (m), 2 (a) & (b).  
Reason: The development creates an allotment layout that does not allow sufficient area for landscaping to enhance the development to an acceptable extent.

## COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the application be deferred for the following matters to be addressed:

- Landscaping
- Car parking
- Overshadowing impact
- Bulk and scale
- Number of dwellings

## 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. 211/399/2017 by Studio 365 Pty Ltd to construct a residential flat building comprising five (5) two-storey dwellings each with a front porch, verandahs to alfrescos and each with either double garages or single garages under main roof at 17 Keith Street (CT 5715/633) for the following reasons:

2. The proposed development is contrary to:
  - General Section, Orderly and Sustainable Development, Objectives 1, 3 & 4.  
Reason: The development does not provide for suitable landscaping to cool and enhance the development for a pleasant environment in which to live and may be detrimental to the function and amenity of adjoining premises.

- General Section, Landscaping Fences and Walls, Objective 1 & 2.  
Reason: The development fails to provide sufficient areas of landscaping to enhance the appearance and amenity of the development, and the extent of hard paved surface of the driveway and exposed fence does not enhance the appearance of the development.
- General Section, Landscaping Fences and Walls, Principles of Development Control 1(a), (b), (d) to (j), 2, 3, 6 (b).  
Reason: The landscaping is considered insufficient in terms of areas provided and detailing to adequately address the amenity and environmental considerations and compatibility with adjoining developments.
- General Section, Transportation and Access, Principles of Development Control 24 (d) & 45.  
Reason: The internal spaces provided for garaging together with laundry facilities in some of the dwellings is unduly compromised and inconvenient due to the inadequacy of garage dimensions.
- General Section, Residential Development Principles of Development Control 1, 4 & 34.  
Reason: The spaces provided around the proposed building are inadequate to provide sufficient landscaping to enhance the appearance of the development and to create a suitable residential environment. The manner in which a minimum of 8m<sup>3</sup> of storage area is to be incorporated into the development has not been adequately demonstrated.
- Residential Zone Objective 4 and Principles of Development Control 5.  
Reason: The development is not sufficiently consistent with the desired character for the zone due primarily to the predominance of hard paved areas around the built form with a lack of landscaping to soften its appearance and to provide sufficient shade and visual enhancement.
- Residential Zone, Medium Density Policy Area 19, Objective 1 and Principle of Development Control 2.  
Reason: The development is not sufficiently consistent with the desired character for the zone due primarily to the predominance of hard paved areas around the built form with a lack of landscaping to soften its appearance and to provide sufficient shade and visual enhancement.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the application be deferred for the following matters to be addressed:

- Landscaping
- Car parking
- Overshadowing impact
- Bulk and scale
- Number of dwellings

### 6.3 58 & 80 South Road, TORRENSVILLE

**5.15 pm** Ms Colleen Dunn declared an indirect pecuniary conflict of interest due to being a former employee of Eric Swanbury, director of the architectural firm responsible for this application and left the meeting for this item. Swanbury Penglase was also a business client of Ms Dunn's for many years, and she is a friend of the Senior Associate, Witold Generowicz.

**5.15 pm** Mr Graham Nitschke declared an indirect pecuniary conflict of interest due to dealing with local residents, including some of the representors as well as Council administration, about this development and left the meeting for this item.

**5.15 pm** Mr George Demetriou entered the meeting as Deputy Member to Mr Graham Nitschke, but also declared an indirect pecuniary conflict of interest due to Council being the land owner and left the meeting.

Application No 211/1312/2016 & 211/1506/2017

Representors: **Ann Henderson and Robert Beaton** on behalf of **Louie Tsoukatos** (58 Wainhouse Street), **Nick Frossinakis** (owner 68 Wainhouse Street) and **Constantine Anastasiadis** (56 Wainhouse Street) appeared in support of the representations

**Meredith Harrison** of 21 North Parade did not appear in support of the representation

**Daniel Haralam and Joanne Haralam** of 29 Wainhouse Street did not appear in support of the representation

Applicant/s **Tom Gregory** of Ben Green & Associates on behalf of the **Applicant** appeared to address the representations.

#### 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 for Application No. 211/1312/2016 by Swanbury Penglase Architects to undertake:

- Partial demolition (reduction) of existing bowling green to the north of the existing club rooms;
- Construction of a new path extending from the existing Thebarton Community Centre car parking to the existing Torrensville Bowling Club rooms which is approximately 45 metres in length;
- Construction of a new synthetic bowling green (37.8m x 65.5m = 2475.9m<sup>2</sup>) with associated sealed area. Shade structure over proposed bowling green;
- Excavation and fill into Thebarton Oval spectator mound with associated retaining walls;
- Re-alignment of pedestrian path;
- Replacement of some tennis court lighting;
- Car parking with associated pole mounted lighting;

subject to the following conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the Development Act):

**Reserved Matter**

1. A Stormwater Management Plan for the entire development including the southern carpark and surrounds shall be provided prior to the issue of Development Approval. Such a plan must address stormwater quality improvement and the unique site target for the detaining of stormwater runoff. The revised design must be to the reasonable satisfaction of the Manager City Assets.

**Development Plan Consent Conditions**

1. 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. All driveways, parking and manoeuvring areas must be formed (surfaced with concrete, bitumen or paving), linemarked, properly drained and maintained in a reasonable condition at all times to the reasonable satisfaction of Council.
3. All lighting shall be directed and/or shaded so that light does not spill outside of the subject land.
4. External materials and finishes must be non-reflective.
5. All stormwater runoff from the shade structure and sealed areas surrounding the new bowling greens must be directed to the connection point provided to the new wetland.
6. All stormwater design and construction must be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and for this purpose stormwater drainage 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.

**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 and Development Approval for Application No. 211/1506/2017 by Mr Mike Feeney to undertake removal of two regulated trees and a significant tree subject to the following conditions of consent:

**Development Plan Consent Conditions**

1. 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. In accordance with regulation 117 of the *Development Regulations 2008*, seven (7) native trees must be planted on the land to replace the two (2) regulated trees and one (1) significant tree all of which are now authorised for removal.
3. As per the Tree Assessment Report prepared by Calypso Tree Company and dated December 2017, the following protection methods must be utilised to prevent tree damaging activities occurring to the significant tree and regulated tree that are to be retained.
  - a) All excavations within the prescribed TPZ's shall be carried out manually using non-invasive methods (through the use of air-spade/hydro-vac, or by hand) to prevent localized root damage.
  - b) Machine operation within TPZ's is prohibited as construction machinery such as bobcats and excavators have the potential to cause significant soil compaction which can result in long-term damage to the trees' root systems.
  - c) A temporary dripper irrigation system under the tree crowns to the crown extent must be applied and the surrounding soil must be well hydrated prior to the commencement of works. The trees should be watered regularly throughout the development phase.
  - d) Existing organic soil levels within the prescribed TPZ's of the trees must be maintained throughout the development process.
  - e) Non-destructive methods must be used when excavating within the TPZ of the subject trees and no root severance can occur within the SRZ.
  - f) Any tree root severance required within the TPZ of the trees should be inspected by West Torrens City Council qualified arborists to determine the potential for a negative impact on the trees health.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

**5.29 pm** Ms Colleen Dunn and Mr Graham Nitschke returned to the meeting.

**6.4 432 & 434 Sir Donald Bradman Drive, BROOKLYN PARK**

Application No 211/738/2017

Representors: **David & Linda Reid** of 4 Rushworth Avenue, Brooklyn Park, appeared in support of the representation.

**Rosalie Haese** on behalf of **Maria Papageorgiou** of 436 Sir Donald Bradman Drive, Brooklyn Park, appeared in support of the representation.

**Andrea Dahl-Johnston** of 12 Rushworth Avenue, Brooklyn Park, appeared in support of the representation.

**Karen Smith** of 3 Rushworth Avenue, Brooklyn Park, appeared in support of the representation.

**Elizabeth White** of 430 Sir Donald Bradman Drive, Brooklyn Park, appeared in support of the representation.

Applicant/s **David Hutchison** of Access Planning and **George Skrembos** of Stepping Stone Childcare appeared to respond to representations.

**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. 211/738/2017 by Eastern Building Group Pty Ltd to undertake construction of a childcare centre with associated car parking and landscaping at 432 & 434 Sir Donald Bradman Drive (CT5694/228) subject to the following reserved matters and conditions:

**Reserved Matter**

1. Pursuant to Section 33 (3) of the Development Act, 1993, the applicant shall prepare a Waste Management Plan that satisfactorily manages the following aspects of waste storage and collection from the development to the satisfaction of Manager City Development and prior to receiving development approval:
  - a. The use of equipment and timing of collection periods that satisfies the *EPA Environment Protection (Noise) Policy 2007* to avoid noise nuisance for residents of adjacent residential premises.
  - b. Ensures waste capable of creating odours is contained within bins that are kept closed at all times and are collected at a frequency and schedule to ensure that waste is not stored in the bins for longer than 48 hours to avoid the attraction of insects and vermin or to create unpleasant odours.
  - c. Timing of waste collection vehicle movements and the type of vehicles used so that use of the child care centre car park is not disrupted such that vehicles would be required to stand and queue Rushworth Avenue thereby creating a traffic hazard or risk to the safety of children using the child care centre.

## Council Conditions

1. The development shall be undertaken and completed in accordance with the plans by John Perriam Architects amended plans marked Dwg Nos 08/17-P1D, 08/17-P2B, 08/17-P3B and Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B and information detailed in this application except where varied by any condition(s) listed below.
2. The access to Rushworth Avenue shall be constructed in general accordance with the John Perriam Site Plan, Drawing No. 08/17, Issue B, dated 19/06/2017 and the Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B.
3. The access point shall be suitably flared to Rushworth Avenue in accordance with the plans John Perriam Site Plan, Drawing No. 08/17, Issue B, dated 19/06/2017 and the Herriot Consulting site works and Drainage Plan File No. C1706-076 Sheet C1 Rev. B. to allow convenient ingress and egress movement in order to minimise disruption to the free flow of traffic.
4. The existing crossover on Sir Donald Bradman Drive shall be considered redundant and must be closed off to the satisfaction of Council. Any new or modified crossing places shall be constructed to Council's requirements. New vehicle crossing places must be located a minimum of 500mm from any existing or proposed verge features (i.e. crossing places, trees, stormwater connections, stobie poles).
5. The car park shall be arranged, managed and signed to allow and direct all vehicles to enter and exit the site in a forward direction at all times.
6. The hours of operation of the Childcare centre shall be limited to the hours between 6.30am and 6.30pm on any day.
7. The the total number of children accommodated in the facility at any one time shall be limited to 65.
8. The sliding gate at the Rushworth Avenue entry shall be kept open at all times when the facility is operating with children present, to allow vehicles to enter and exit the car park unhindered to prevent traffic queuing and obstructing vehicle movements on Rushworth Avenue.
9. Fencing adjacent to the south-western boundary shall ensure sightlines to/from 436 Sir Donald Bradman Drive can be achieved in accordance with AS/NZ2890.1:2004.
10. All stormwater generated by the proposal shall be appropriately collected and disposed of without jeopardising the safety of the adjacent arterial road.
11. Stormwater detention shall be installed prior to the occupation of the development and maintained thereafter in accordance with the stormwater calculations by Herriot Consulting dated 8/11/2017.

12. 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.
13. All waste shall be placed within garbage containers with lids that are closed at all times to limit odours and to prevent insects and vermin accessing the waste at all times.
14. The bin enclosure shall be increased in size to accommodate more than two 240 litre mobile garbage bins such that all waste produced by the facility is able to be stored in enclosed receptacles at all times with the frequency of collection increased through the use of private contractors to avoid the creation of odours or other nuisance all to the reasonable satisfaction of Council.
15. Waste collection shall be undertaken in accordance with a Waste Management Plan that is to be prepared and approved prior to issuing of Development Approval.
16. General service vehicles for the subject development shall be restricted to an 'SRV' (in reference to AS 2890.2-2002), and servicing shall be restricted to outside of peak times.
17. The fence along the northern boundary shall be not less than 2.0m in height, extend to ground level without gaps in or below the fence and be double sheeted to provide adequate separation and noise attenuation between the facility and the adjoining premises.
18. Security lighting and lighting of the driveways, parking and manoeuvring areas and footpaths shall in accordance with the Australian Standard 1158 during the hours of darkness that they are in use. Such lights shall be directed and screened so that overspill of light into nearby premises is avoided and minimal impact on passing motorists occurs. When not in use such lights should be dimmed to levels sufficient for security purposes only to diminish impacts on adjacent dwellings after operating hours. All such lighting 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.
19. All landscaping shall be planted in accordance with the approved plans prior to the occupancy of the development. Such landscaping shall be cultivated, tended and nurtured, maintained and shall be promptly replaced if it becomes seriously diseased or dies, to the reasonable satisfaction of Council.
20. An automatic watering system shall be installed as part of the landscaping to ensure it is adequately watered at all times to enable it to establish and flourish.
21. All driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained prior to commencement of the use of the development, and shall be maintained in reasonable condition at all times.
22. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for storage of materials or goods such as waste products and refuse.

### Condition imposed at the direction and advice of DPTI

- 23 The corner cut-off at Sir Donald Bradman Drive/Rushworth Avenue junction shall be increased to 4.5m x 4.5m in order to maximise driver sight lines and improve pedestrian circulation at Sir Donald Bradman Drive and Rushworth Avenue junction. All development (including landscaping and fencing) shall be kept clear of the above corner cut-off.

### Notes

1. This approval does not include the erection of any signs. Further permission may be required from Council for the erection or display of any signs.
2. Any retaining walls will be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.
3. This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land (e.g. Strata/Community Corp or the Developer/ Encumbrancee).
4. Your attention is drawn to the *Disability Discrimination Act 1992* which may prescribe requirements for people with disabilities additional to those contained within the Building Code of Australia.
5. Any existing crossing places not providing vehicle access shall be considered redundant and must be closed off to the satisfaction of Council. Any new or modified crossing places shall be constructed to Council's requirements. New vehicle crossing places must be located a minimum of 500mm from any existing or proposed verge features (i.e. crossing places, trees, stormwater connections, Stobie poles).

### 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. 211/738/2017 by Eastern Building Group Pty Ltd to undertake construction of a childcare centre with associated car parking and landscaping at 432 & 434 Sir Donald Bradman Drive (CT5694/228) for the following reasons:

- The proposed development is contrary to:
- General Section - Transport & Access - Objective 1(b)
- General Section - Transport & Access - Objective 2(a)
- General Section - Transport & Access - Principle of Development Control 8
- General Section - Transport & Access - Principle of Development Control 6
- General Section - Transport & Access - Principle of Development Control 7
- General Section - Waste - Objective 1
- General Section - Waste - Principle of Development Control 1
- General Section - Waste - Principle of Development Control 2
- General Section - Interface between land uses - Principle of Development Control 5

**6.5 28 Gertrude Street, BROOKLYN PARK**

Application No 211/1419/2017

**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. 211/1419 /2017 by Premium Home Improvements to construct an enclosed garage, carport and verandah attached to the existing dwelling at 28 Gertrude Street, Brooklyn Park (CT5741/181).

**COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

**6.6 22 Talbot Avenue, NORTH PLYMPTON**

**6.32 pm** *Ms Jane Strange declared a direct conflict of interest due to a long term business relationship with one of the representors and left the meeting for this item.*

Application No 211/1345/2016

**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. 211/1345/2016 by Unity Group to undertake a combined application - Land division - Community Title; DAC No. 211/C184/16 (Unique ID 56090); Creating four (4) additional allotments and common property, and the construction of two (2) residential flat buildings containing five (5) dwellings with associated garages and fencing at 22 Talbot Avenue, North Plympton (CT5700/290) subject to the following conditions of consent:

**Development Plan Conditions**

1. Development is to take place in accordance with the plans prepared by Zaina Stacey Development Consultants (Revision F dated 19/10/2017) and D'Andrea and Associates (Drawing No. A1 Revision D & A2 Revision D dated 08/12/2017) relating to Development Application No.211/1345/2016 (DAC 211/C184/16).
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 to the satisfaction of Council.
3. 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.

4. That all side and rear upper level windows of Dwelling 1 and 2 and all front, side and rear upper level windows of Dwelling 3, 4 and 5 approved herein shall be fitted with fixed obscured 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 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 5).

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

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

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

7. Payment of \$26,704 into the Planning and Development fund (4 lots(s) @ \$6,676/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, at Ground Floor, 101 Grenfell 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 Planning 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 and Land Division Consent for Application No. 211/1345/2016 by Unity Group to undertake a combined application - Land division - Community Title; DAC No. 211/C184/16 (Unique ID 56090); Creating four (4) additional allotments and common property, and the construction of two (2) residential flat buildings containing five (5) dwellings with associated garages and fencing at 22 Talbot Avenue, North Plympton (CT5700/290) subject to the following conditions of consent:

#### **Development Plan Conditions**

1. Development is to take place in accordance with the plans prepared by Zaina Stacey Development Consultants (Revision F dated 19/10/2017) and D'Andrea and Associates (Drawing No. A1 Revision D & A2 Revision D dated 08/12/2017) relating to Development Application No.211/1345/2016 (DAC 211/C184/16).
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 to the satisfaction of Council.

3. 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.
4. That all side and rear upper level windows of Dwelling 1 and 2 and all front, side and rear upper level windows of Dwelling 3, 4 and 5 approved herein shall be fitted with fixed obscured 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 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 5).

**Land Division Consent Conditions:**

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

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

7. Payment of \$26,704 into the Planning and Development fund (4 lots(s) @ \$6,676/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, at Ground Floor, 101 Grenfell 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 Planning Commission for Land Division Certificate purposes

**6.35 pm** Ms Jane Strange returned to the meeting.

## 6.7 19 Broughton Avenue, KURRALTA PARK

Application No 211/497/2017 & 211/530/2017

### 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 and Land Division Consent for Application No. 211/530/2017 by O Almasri to undertake a land division - Torrens Title; DAC No. 211/D074/17 (Unique ID 57914); Create one (1) additional allotment with reciprocal party wall rights at 19 Broughton Avenue, Kurralta Park (CT6172/537) 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.

#### SCAP Conditions

2. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0058857).

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

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

3. Payment of \$6,676 into the Planning and Development fund (1 allotment @ \$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 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. 211/497/2017 by Diamanti Designs to undertake the construction of two (2) two-storey semi-detached dwellings, with front porticos and single garages under main roof at 19 Broughton Avenue, Kurralta Park (CT6172/537) 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 to the satisfaction of Council.
5. That all landscaping will be planted in accordance with the approved plan (Site Plan prepared by Diamanti Designs, Sheet 1 of 6 dated October 2017) 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.
6. That all side and rear upper level windows 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.

## COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

## 7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

Nil

## **8 SUMMARY OF COURT APPEALS**

### **8.1 Summary of SCAP and ERD Court Matters - January 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.

## **9 MEETING CLOSE**

The Presiding Member declared the meeting closed at 6.37pm.