MINUTES OF THE DEVELOPMENT ASSESSMENT PANEL OF THE CITY OF PROSPECT, HELD IN THE CIVIC CENTRE, 128 PROSPECT ROAD, PROSPECT, ON MONDAY 14 JULY 2008 AT 5.30 PM.

PRESENT:
Presiding Member: Mr David Blaikie
Members: Mr P Deb, Ms G Fitzpatrick, Ms R Giannantonio, Mr D Grieve, Mr M Mitchell and Mr T Newall

IN ATTENDANCE:
Mr M Goldstone Chief Executive Officer
Mr S Green Director Environment and Planning
Mr C Barone Development Officer (Planning)
Mrs P Filipovic Panel Secretary

ON LEAVE:
Nil

APOLOGIES:
Nil

CONFIRMATION OF MINUTES:
That the minutes of the meeting of the Development Assessment Panel held on Tuesday 10 June 2008 be taken as read and confirmed as a correct record.

CARRIED DAP 25/08

ITEMS TO BE ADOPTED WITHOUT DISCUSSION:
Items 5.1, 5.3 and 5.5 were withdrawn for further discussion

Item 5.2: 24 Methuen Street, Fitzroy - Verandah
Application No: 050/174/2008

Recommendation

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the existing use of the land, the Panel resolve that the application is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, development plan consent be granted to DA
050/174/2008 from Mr A O’Leary for construction of a return verandah to the side and rear of the existing dwelling at 24 Methuen Street, Fitzroy (CT 5827/943) subject to the following conditions:

1. That the development shall take place in accordance with plans stamped by Council relating to Development Application Number 050/174/2008, except as modified by any conditions listed below.

2. The construction of a drainage system and the position and manner of discharge of a stormwater drain shall not:
   a) Result in the entry of water into a building;
   b) Affect the stability of a building;
   c) Create unhealthy or dangerous conditions on the site or within the building;
   d) Flow or discharge onto the land of an adjoining owner; or
   e) Flow across footpaths or public ways.

All storm water from the building and site shall be disposed of through the use of a pressure system, sealed system or soakage pit system designed by an engineer, or the storm water may be carried to the street water table.

Notes:

- Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

- Once development approval is granted, the development must be:
  a) Substantially commenced within twelve (12) months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of twelve (12) months from this date (unless Council extends this period), and a new development application shall be required;
  b) Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period) and a new development application shall be required; and
  c) Any request for an extension of time must be lodged in writing with the Council prior to the expiry of the above-mentioned periods.

The Panel resolved that the recommendation is adopted - DAP 26/08
Item 5.4: 46 Bosanquet Avenue, Prospect – The Construction of Two Detached Dwellings


Recommendation

It is recommended:

1. That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the existing use of the land, the Panel resolve that development application 050/202/2008 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Plan Consent be refused to DA 050/202/2008 from Mr I & Ms C Brace for the construction of a single-storey detached dwelling with associated site works (House B) at 46 Bosanquet Avenue, Prospect (CT 5490/893) as the proposal would be sufficiently at variance with the relevant provisions of the Prospect (City) Development Plan, and in particular:

- Residential Zone Principles of Development Control 1, 2 & 10.
- Residential Policy Area 350 Objective 1.
- Residential Policy Area 350 Principles of Development Control 2, 4 & 5.
- Council Wide Objectives 2
- Council Wide Principles of Development Control 1, 2, 6, 46 & 47
- Metropolitan Adelaide Objectives 1 and 28
- Metropolitan Adelaide Principles of Development Control 3, 8, 9, 10 &14

The Panel resolved that the recommendation is adopted - DAP 27/08

It is recommended:

2. That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the existing use of the land, the Panel resolve that development application 050/203/2008 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Plan Consent be refused to DA 050/203/2008 from Mr I & Ms C Brace for the construction of a single-storey detached dwelling with associated site works (House A) at 46 Bosanquet Avenue, Prospect (CT 5490/893) as the proposal would be sufficiently at variance with the relevant provisions of the Prospect (City) Development Plan, and in particular:

- Residential Zone Principles of Development Control 1, 2 & 10.
- Residential Policy Area 350 Objective 1.
- Residential Policy Area 350 Principles of Development Control 2, 4 & 5.
- Council Wide Objectives 2
• Council Wide Principles of Development Control 1, 2, 6, 46 & 47
• Metropolitan Adelaide Objectives 1 and 28
• Metropolitan Adelaide Principles of Development Control 3, 8, 9, 10 & 14

The following notes apply to each decision:

1. Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

The Panel resolved that the recommendation is adopted - DAP 28/08

DEVELOPMENT APPLICATIONS:

Item 5.1: 2 & 6-8 Ellen Street and 129 Main North Road Nailsworth – Application for Change of Use

Application No: 050/574/2007

The Presiding Member invited Mr Chris Parsons of 10 Ellen Street Nailsworth, to address the meeting.

Mr Parsons addressed the meeting and answered questions asked by Panel Members.

The Presiding Member invited Mr Remo Piantadosi on behalf of the Applicant, to address the meeting.

Mr Piantadosi addressed the meeting and answered questions asked by Panel Members.

Mr D Grieve moved

Recommendation

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the existing use of the land, the Panel resolve that the application is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Approval be granted to DA 050/574/2007 from City Holden for a change of use from store (vehicle storage) to store with ancillary office, vehicle inspection and minor repair in association with existing service trade premises at 2 & 6-8 Ellen Street and 129 Main North Road, Nailsworth, subject to the following conditions:
(1) That the development shall take place in accordance with plans and information stamped by Council relating to development application number 050/574/2007, except as modified by any conditions listed below.

(2) That the approved use of the shed, including minor vehicle inspection, minor repair and the use of an air compressor, but excluding the storage of vehicles, shall only occur between the hours of 8:00am and 4:30pm Monday to Friday, to ensure that the duration of potential noise impacts on adjoining properties is minimised.

(3) That the activities associated with vehicle inspection and minor repair shall only be undertaken within the confines of the shed and shall be limited to activities that do not generate an unreasonable level of noise. In any case, noise associated with the activities shall not exceed relevant applicable standards detailed in the Environment Protection (Noise) Policy 2007.

(4) That the use of the shed shall only be in conjunction with the existing use of the land at 2 Ellen Street and 129 Main North Road and therefore shall not be used in separate occupation for an independent use, as detailed in correspondence from Mr Remo Piantadosi of City Holden dated 5 February 2008.

(5) That Condition 10 of the development approval, particularly “That the approved shed be used for the storage of motor vehicles only and at no time for the repair or sale of motor vehicles” is no longer required and as such no longer applicable to the development.

Notes:

Once development approval is granted, the development must be:

1. Substantially commenced within twelve (12) months from the date of the decision of this Consent or Approval, otherwise this Approval will lapse at the expiration of twelve (12) months from this date (unless Council extends this period), and a new development application shall be required;

   Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period), and a new development application shall be required; and

   Any request for an extension of time must be lodged in writing with the Council prior to the expiry of the above-mentioned periods.

2. Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

   The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

3. If your application was the subject of third-party representations, any consent/approval, or consent/approval subject to conditions shall not operate until after 15 business days from the date of the decision made on your application.

   If there is an appeal by a third party, any consent/approval or consent/approval with conditions shall not operate until determination of the appeal. Fifteen business days from the date of the
decision (appearing on your notice), contact the Environment, Resources and Development Court (Telephone: 8204 0300) to find out if there has been an appeal lodged.

The recommendation lapsed due to want of a seconder

Cr M Mitchell moved Cr G Fitzpatrick

Recommendation:

It is recommended:

1. That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the existing use of the land, the Panel resolve that development application 050/574/2007 is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Plan Consent be refused to DA 050/574/2007 from City Holden for a change of use from store (vehicle storage) to store with ancillary office, vehicle inspection and minor repair in association with existing service trade premises at 2 & 6-8 Ellen Street and 129 Main North Road Nailsworth as the proposal would be sufficiently at variance with the relevant provisions of the Prospect (City) Development Plan, and in particular:

- That the activities proposed will detrimentally impact upon the amenity of the adjoining residential properties.
- The noise generated from the activities proposed will be unacceptable.

Mr Paul Deb moved Ms Rita Giannantonio seconded

Amended Recommendation:

It is recommended:

1. That the application be deferred to a subsequent Development Assessment Panel meeting to enable the applicant to provide additional information on the following:-

- The potential noise impacts resulting from the development and any proposed measures to mitigate noise.
- Clearer definition by the applicant regarding what is considered as minor works.
- The potential impact of fumes resulting from the development and any proposed measures to mitigate fumes.

The Panel resolved that the amended recommendation is adopted - DAP 29/08
Item 5.3:  1A Davies Terrace, Nailsworth – Change of Use from Motor Repair Station to Educational Establishment

Application No:  050/122/2008

Mr David Grieve moved Ms Rita Giannantonio seconded

Recommendation

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the existing use of the land, the Panel resolve that the application is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Plan Consent be granted to DA 050/122/2008 from Ms J Singh for a change of use from motor repair station to an educational establishment for training in theoretical and practical aspects of automotive technology, in conjunction with the establishment of signage at 1A Davies Terrace, Nailsworth (CT 5755/983) subject to the following conditions:

1. That the development shall take place in accordance with the information relating to Development Application Number 050/122/2008.

2. That the hours of operation of the premises shall not exceed 8:00am until 8:00pm, Monday to Friday inclusively, and 10:00am until 4:30pm Saturday.

3. That at any one time student numbers on site will be limited to 36 with no more than two trainers on site.

4. Any repairs, maintenance, training or education must be undertaken within the confines of the building.

5. That no high noise generating activities, including the practical application of automotive technology, shall be undertaken before 9:00am or beyond 5:00pm on any day, so as to ensure that the potential for noise impacts on nearby residential properties is minimised.

6. That the free-standing sign shall be located within 1.0m of the north-western corner of the allotment and shall be sited to ensure no obstruction of the adjacent car parking space.

7. The signs, herein approved, must be maintained in good repair with all words and symbols being clearly visible at all times.

8. The illumination of the signs must be such that no hazard, difficulty or discomfort is caused to either approaching drivers on adjacent public roads or nuisance to adjoining residents. Any flood lighting shall be designed and located in such a way that adjacent properties and public places are not inconvenienced by the glare or overspill of light.

9. That the lighting for the signs shall be switched off prior to 8:30pm on each day and shall not be switched on before sunrise on the following day.
Notes:

Once development approval is granted, the development must be:

1. Substantially commenced within twelve (12) months from the date of the decision of this Consent or Approval, otherwise this Approval will lapse at the expiration of twelve (12) months from this date (unless Council extends this period), and a new development application shall be required;

   Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period), and a new development application shall be required; and

   Any request for an extension of time must be lodged in writing with the Council prior to the expiry of the above-mentioned periods.

2. Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

   The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

The Panel resolved that the recommendation is lost

Mr Tim Newall moved Ms Grace Fitzpatrick seconded

Recommendation

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the zoning of the land within which the proposed development is situated and the existing use of the land, the Panel resolve that the application is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Approval be refused to DA 050/122/2008 from Ms J Singh for a change of use from motor repair station to an educational establishment for training in theoretical and practical aspects of automotive technology, in conjunction with the establishment of signage at 1A Davies Terrace, Nailsworth (CT 5755/983) as the change in the use of the land would not provide for sufficient car parking and the activities associated with the use would be likely negatively impact on the amenity of nearby residential premises. As such, the proposed change in the use of the land would be at variance with the relevant provisions of Council’s Development Plan and in particular:

- Mixed Use Zone Objectives 2 & 4; and
- Council-wide Objectives 1 & 3; and
- Council-wide Principle of Development Control 152.
Advisory Notes:

Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

The Panel resolved that the recommendation is adopted - DAP 30/08

Item 5.5: 28 Third Avenue, Sefton Park – Removal of a Significant Tree

Application No: 050/147/2008

Recommendation

It is recommended:

That with reference to the relevant provisions of the Prospect (City) Development Plan, the Panel resolve that the application is not seriously at variance with the Development Plan and as such a decision shall be made on the merits of the application; and

That pursuant to the Development Act 1993, as amended, Development Approval be granted to DA 050/174/2008 from Mr GW & Mrs A Dunning for the removal of a significant tree - Ulmus glabra ‘Lutescens’ (Golden Elm) at 28 Third Avenue, Sefton Park (CT 5792/240) subject to the following conditions:

1. That the development shall take place in accordance with the information relating to Development Application Number 050/174/2008.

2. At all times during the progress of removal work:
   2.1. Any area where it is possible that a person could be injured by falling or rebounding branches or limbs, must be fenced or barricaded to prevent people entering the area.
   2.2. Clearly legible notices, warning people of the danger of removing the tree, must be affixed in places where they will be readily visible to anyone approaching the area.
   2.3. Temporary structures shall be provided as necessary to ensure stability of any remaining part of the tree during removal work.
   2.4. There shall be no burning of the tree on the site.
   2.5. Any footway, nature strip or road, is not to be obstructed or rendered inconvenient or dangerous during removal work.

3. The significant tree herein approved for removal shall be replaced with a tree of an appropriate species to the reasonable satisfaction of Council, of semi-mature growth and with a minimum height of 1.0 metre, all within three months of removal of the tree which is subject to this Development Approval. The replacement tree shall be planted in a suitable location to the reasonable satisfaction of Council at 28 Third Avenue, Sefton Park.
Notes:

Once development approval is granted, the development must be:

1. Substantially commenced within twelve (12) months from the date of the decision of this Consent or Approval, otherwise this Approval will lapse at the expiration of twelve (12) months from this date (unless Council extends this period), and a new development application shall be required;

   Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period), and a new development application shall be required; and

   Any request for an extension of time must be lodged in writing with the Council prior to the expiry of the above-mentioned periods.

2. Pursuant to Section 86(1)(a) of the Development Act, 1993, you have the right of appeal to the Environment, Resources and Development Court against either 1) a refusal of consent or 2) any condition(s) which have been imposed on a consent. Any such appeal must be lodged with the Court within two (2) months from the day on which you receive this notification or such longer period as may be allowed by the Court.

   The Environment, Resources and Development Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide SA 5000 (Postal Address: GPO Box 2465, Adelaide SA 5001).

The Panel made the following change to Condition 3 of the Recommendation

3. The significant tree herein approved for removal shall be replaced with a tree of an appropriate species to the reasonable satisfaction of Council, of semi-mature growth and with a minimum height of 2.0 metre, all within three months of removal of the tree which is subject to this Development Approval. The replacement tree shall be planted in a suitable location to the reasonable satisfaction of Council at 28 Third Avenue, Sefton Park.

   The Panel resolved that the amended recommendation is adopted - DAP 31/08

OTHER REPORTS FROM THE DIRECTOR ENVIRONMENT & PLANNING

Item 6.1: Process for amending meeting times of the Development Assessment Panel

(1) That the meeting time remain at 5:30pm for the remainder of the term of the current Panel.

Amended Recommendation

(1) That the meeting time for the August 2008 meeting of the Development Assessment Panel be changed to 6:00pm.

   The Panel resolved that the amended recommendation is adopted - DAP 32/08
Item 6.2: Summary of Court Appeals and Enforcement Matters

(1) That the Development Assessment Panel receives and notes the information.

The Panel resolved that the recommendation is adopted - DAP 33/08

ANY OTHER BUSINESS:
Nil

TIME AND PLACE OF NEXT MEETING:
The next meeting of the Development Assessment Panel will be held in the Civic Centre on Monday 11 August 2008 at 6.00 pm.

CLOSURE:
The meeting closed at 6.36 pm.

Mr David Blaikie
(Presiding Member)
11 August 2008