

Council Assessment Panel Meeting Minutes

02 February 2021 | 6.00 pm
Council Chambers
401 Greenhill Road, Tasmore

Members: Carol Muzyk (Presiding Member)
Ross Bateup, Graeme Brown, Kate Shierlaw and Cr Mike Daws

1. Kaurna Acknowledgement

The Presiding Member acknowledged the Kaurna people.

2. Apologies

Nil

3. Confirmation of Minutes

MOVED Graeme Brown, SECONDED Kate Shierlaw

P7375 It was the consensus of the Council Assessment Panel that the minutes of the Council Assessment Panel meeting held on Tuesday 01 December 2020 be taken as read and confirmed.

CARRIED

4. Applications withdrawn from the Agenda

Nil

5. Declarations of Interest

Nil

6. Development Applications for Consideration – Persons wishing to be heard

Non Complying Development Applications

Nil

Category 3 Development Applications

Report Number:	6.1	P7
Application Number:	180\1097\20	
Applicant:	F Daou	
Location:	13 Gandys Gully Road STONYFELL SA 5066	
Proposal:	Two-storey detached dwelling and undercroft garage level including earthworks and associated retaining walls	
Recommendation:	<i>Development Plan Consent be granted</i>	
Representors:	<ul style="list-style-type: none"> • <i>Douglas Gautier and Carmen Chan c/ Greg Vincent of Masterplan - 16 Clark Street, Stonyfell. (wish to be heard) – Present</i> • <i>David Hawkes c/- Garth Heynen of Heynen Planning Consultants 15 Gandys Gully Road, Stonyfell (wish to be heard) – Present</i> 	

Graeme Brown left the Meeting at 6:35PM and re-joined the Meeting at 6:37PM.

MOVED Graeme Brown, SECONDED Ross Bateup

P7376 The Council Assessment Panel resolved that:

1. The proposed development is not seriously at variance with the policies in the Development Plan; and
2. Development Application 180\1097\20, by Mr F Daou is **refused** Development Plan Consent for the following reasons:

Reasons

- 1 The proposal fails to satisfy Residential Policy Area 9, Principle of Development Control 1(b) in that it does not complement the scale, bulk, siting (topography) and positive elements of existing dwellings.
- 2 The proposal fails to satisfy Residential Zone, Principle of Development Control 2 (b)(d) in that it does not demonstrate consistency with the relevant policy area having due regard to siting, massing and proportions, articulation and inadequate extent and quality of landscaping.
- 3 The proposal fails to satisfy Residential Zone, Principle of Development Control 3 in that the building comprises featureless walls and lacks articulation resulting in a bulky appearance.
- 4 The proposal fails to satisfy Residential Zone, Principle of Development Control 5 in that it does not minimise the need for, and height of, retaining walls.

CARRIED

Cr Mike Daws left the Meeting at 7:28PM and re-joined the Meeting at 7:30PM.

Category 2 Development Applications

Nil

7. Development Applications for Consideration – No persons to be heard

Non Complying Development Applications

Nil

Category 3 Development Applications

Nil

Category 2 Development Applications

Nil

Category 1 Development Applications

Nil

8. Outstanding Matters – Appeals and Deferred Items

- 8.1 Development Application: 180\1176\16**
Applicant: Marco Spinelli
Location: 15 Government Road, Glen Osmond

The Panel were advised that Council is still waiting to hear the outcome of the hearing held in August 2020 in the Environment, Resources and Development (ERD) Court and that the outcome will be communicated to the Panel once received.

- 8.2 Development Application: 180\0230\20**
Applicant: Bill Yu
Location: 23 & 23A Romalo Avenue, Magill

The Panel were advised that the Administration is still pursuing the applicant in relation to this matter to determine how the matter might proceed.

- 8.3 Development Application: 180\0548\19**
Applicant: Dr J Mudaliar
Location: 267 Beulah Road, Kensington Park

The Panel were advised that this matter continues to progress through the ERD Court conference process and that the Administration is awaiting information as requested.

- 8.4 Development Application: 180\0780\20**
Applicant: Beaumont Tennis Club Inc.
Location: 56 Sturdee Street, Linden Park

The Panel were advised that this matter continues to progress through the ERD Court conference process at this time.

9. Other Business

Nil

10. Order for exclusion of the public from the meeting to debate confidential matters

MOVED Kate Shierlaw, SECONDED Ross Bateup

P7377 It was the consensus of the Council Assessment Panel, that, pursuant to Regulation 13(2)(a)(viii) of the *Planning, Development & Infrastructure Act (General) Regulations 2017*, the public be excluded from the meeting of the City of Burnside Council Assessment Panel meeting, with the exception of Council staff in attendance (Magnus Heinrich - Group Manager City Development & Safety, James Moss - Team Leader Planning, Jessica Grima - Development Officer Planning, Katelyn Wilson - Development Officer Planning) and Gavin Leydon of Norman Waterhouse Lawyers, to enable the Panel to receive, discuss or consider legal advice.

The Panel is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in these circumstances.

CARRIED

11. Confidential Reports

Report Number:	10.1	P81
Application Number:	180\1265\18	
Applicant:	PC Infrastructure Pty Ltd	
Location:	285-287 Kensington Road, Kensington Road	
Proposal:	Alterations and additions to existing mechanical workshop building (and the change of use of land at 285-287 Kensington Road) to a new integrated service station complex including new canopy, fuel facilities, underground fuel storage tanks, shop, store, pergola, freestanding pylon sign and associated car parking and landscaping	
Recommendation:	<i>The Chief Executive Officer be advised that the Council Assessment Panel supports the compromise proposal, subject to conditions</i>	

MOVED Graeme Brown, SECONDED Ross Bateup

P7377 The Council Assessment Panel resolved that:

1. The CEO be advised that the CAP supports the compromise proposal put forth to resolve ERD 189 of 2019 being an appeal against the refusal of DA 180\1265\18 by PC Infrastructure Pty Ltd subject to conditions to be agreed between the parties generally in the nature of those recommended by the Council's planning consultant.

CARRIED

MOVED Kate Shierlaw, SECONDED Ross Bateup

P7378 It was the consensus of the Council Assessment Panel that the report, appendices, attachments and minutes relating to the report 10.1 remain in confidence pursuant to Regulation 13(2)(a)(viii) of the *Planning, Development & Infrastructure (General) Regulations 2017* as it contains legal advice and will remain in confidence until such time that the matter is determined by the Council Chief Executive Officer.

CARRIED

12. Closure

Meeting closed at 8:08pm.

CONFIRMED THIS DAY 2021

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Presiding Member