

CITY OF WEST TORRENS



# Notice of Panel Meeting

Notice is Hereby Given that a Meeting of the

## COUNCIL ASSESSMENT PANEL

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

on

**TUESDAY, 10 OCTOBER 2017**  
**at 5.00pm**

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

### City of West Torrens Disclaimer

#### **Council Assessment Panel**

Please note that the contents of this Council Assessment Panel Agenda have yet to be considered and deliberated by the Council Assessment Panel therefore the recommendations may be adjusted or changed by the Council Assessment Panel in the process of making the formal Council Assessment Panel decision.

**Note: The plans contained in this Agenda are subject to copyright and should not be copied without authorisation.**

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**1 MEETING OPENED****1.1 Evacuation Procedures****2 PRESENT****3 APOLOGIES****4 CONFIRMATION OF MINUTES****RECOMMENDATION**

That the Minutes of the meeting of the Development Assessment Panel held on 12 September 2017 be confirmed as a true and correct record.

**5 DISCLOSURE STATEMENTS**

In accordance with section 7 of the *Assessment Panel Members - Code of Conduct* the following information should be considered by council assessment panel members prior to a meeting:

A member of a council assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the council assessment panel (other than an indirect interest that exists in common with a substantial class of persons) -

- a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
- b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.

If an interest has been declared by any member of the panel, the assessment manager will record the nature of the interest in the minutes of meeting.

## 6 REPORTS OF THE ASSESSMENT MANAGER

### 6.1 Council Assessment Panel Operational Requirements

#### Brief

This report seeks the appointment of the Deputy Presiding Member to the Council Assessment Panel and presents the *Code of Practice - Procedures at Council Assessment Panel Meetings* for approval.

#### RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. It appoints ..... as its Deputy Presiding Member pursuant to Section 83(1)(b)(vi) of the *Planning, Development and Infrastructure Act 2016* for the period 10 October 2017 to 30 December 2018.
2. The *Draft Code of Practice - Procedures at Council Assessment Panel Meetings* be adopted.
3. The *Mandatory Assessment Panel Members Code of Conduct* be noted.
4. The *Council Assessment Panel - Terms of Reference* be noted.

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#### Introduction

At its 5 September 2017 meeting, pursuant to the requirements of the *Planning, Development and Infrastructure Act 2016 (Act)*, Council established its Council Assessment Panel (CAP) for the period 1 October 2017 to 30 December 2018. In doing so it appointed the following members to the CAP:

- Dr Donna Ferretti (Presiding Member)
- Cr Graham Nitschke (Cr George Demetriou as proxy to Cr Nitschke)
- Ms Colleen Dunn
- Ms Jane Strange
- Mr Wayne Stokes

At that meeting, Council also approved the Terms of Reference for the CAP which are attached for information (**Attachment 1**).

The *Planning, Development and Infrastructure (General) Regulations 2017 (Regulations)* stipulate the statutory procedures to be undertaken during the operation of CAP meetings. Under these Regulations, the CAP may adopt a Code of Practice for its meetings and may determine its own procedure(s) so long as it is not inconsistent with the Act or Regulations.

Consequently, this report seeks the appointment of the Deputy Presiding Member of the Panel, approval of the *Draft Code of Practice - Procedures at Council Assessment Panel Meetings* and presents the mandatory *Assessment Panel Members - Code of Conduct* and the *Council Assessment Panel - Terms of Reference* for notation.

## Discussion

### ***Deputy Presiding Member***

Section 83(1)(b)(vi) of the Act requires Council to determine the procedures for appointing a Deputy Presiding Member of the CAP to act in the absence of the Presiding Member. There is no restriction on which member of the CAP can be appointed as the Deputy Presiding Member.

Council, via its approval of the CAP's Terms of Reference, requires the CAP to appoint its Deputy Presiding Member at its first meeting.

### ***Code of Practice Procedures at Council Assessment Panel Meetings***

The Regulations contain some guidance on the conduct of CAP meetings. However, in the interests of transparency, good governance and consistency, the *Draft Code of Practice Procedures at Council Assessment Panel Meetings* has been developed which meet the requirements of the Regulations but provide additional details to enable the efficient and effective operation of the CAP and are, to the extent possible, consistent with the procedures for Council meetings. The procedures are attached for the CAP's consideration and approval (**Attachment 2**).

### ***Code of Conduct***

Schedule 3 of the Act provides that the Minister for Planning may adopt a Code of Conduct for assessment panel members. Pursuant to Schedule 3 of the Act, a mandatory Code of Conduct for Assessment Panel Members was gazetted on Friday 29 September 2017 to take effect on 1 October 2017. A copy of the *Assessment Panel Members - Code of Conduct* is attached (**Attachment 3**).

### ***Terms of Reference***

Council at its meeting of 5 September 2017, approved the Terms of Reference for the Council Assessment Panel which are attached for information (**Attachment 1**).

## Conclusion

The report seeks the appointment of a Deputy Presiding Member to the Council Assessment Panel, approval of the Draft Code of Practice - Council Assessment Panel. In addition, it provides the Council Assessment Panel Terms of Reference and Mandatory Code of Conduct for information.

## Attachments

1. **Council Assessment Panel Terms of Reference**
2. **Code of Practice - Procedures at Council Assessment Panel Meetings**
3. **Assessment Panel Members - Code of Conduct**

## CITY OF WEST TORRENS

**CITY OF WEST TORRENS****Terms of Reference****COUNCIL ASSESSMENT PANEL****PREAMBLE**

Pursuant to section 83 of the *Planning, Development and Infrastructure Act 2016* (the Act) the Council may establish an Assessment Panel for the purpose of acting as a designated authority as that term is defined in the Act.

These Terms of Reference detail the operating parameters of Council's Assessment Panel.

**1. ESTABLISHMENT**

Pursuant to section 83 of the *Planning, Development and Infrastructure Act 2016* (Act) Council establishes a Council assessment panel to be known as the City of West Torrens Council Assessment Panel (referred to in these Terms of Reference as "the CAP") for the purpose of acting as a "*relevant authority*" in respect of relevant development assessment matters.

The Terms of Reference have been reviewed and this document constitutes the Terms of Reference for the CAP from 1 October 2017.

**2. OBJECTIVES**

The objectives of the CAP are as follows:

- 2.1 To act as the relevant authority for the assessment of proposed development to be undertaken in the council area pursuant to legislative requirements.
- 2.2 To provide advice and reports to Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under this Act; and
- 2.3 To perform other functions (other than functions involving the formulation of policy) assigned to the CAP by the Act.

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### 3. MEMBERSHIP

- 3.1 Membership of the CAP will be appointed by Council taking into account the requirements of sections 83(1)(b)(i), 83(1)(c) and 83(1)(d) of the Act.
- 3.2 The CAP will consist of a maximum of five (5) members, only one (1) of whom may be a currently sitting Elected Member.
- 3.3 The Presiding Member will be appointed by Council and must be a person who has reasonable knowledge of the operation and requirements of the Act; and have experience in a recognised profession.
- 3.4 The Council will appoint an Elected Member to stand as a Deputy Member to an Elected Member appointed to the CAP.
- 3.5 The Council may appoint an Independent Member to stand as a Deputy Member to the Independent Members appointed to the CAP.
- 3.6 The CAP will appoint the Deputy Presiding Member at its first meeting.
- 3.7 The CAP may appoint 1 or 2 members to act as additional members of the assessment panel for the purposes of dealing with a matter that it must assess under this Act provided the person holds a qualification, or has expertise or experience, recognised by a practice direction for the purposes of section 85 of the Act.
  - 3.7.1 Additional Members are taken to be members of the assessment panel in all respects with the exception of being able to vote on matters for determination. As such they will be subject to the CAP Members Code of Conduct.
- 3.8 Members will hold their positions until 30 December 2018, or until removed from membership of the CAP by resolution of the Council.
- 3.9 A member whose term of office expires may nevertheless continue to act as a member for a period of up to 6 months until he or she is reappointed or a successor is appointed (whichever the case may be) except in the instance they have not obtained accreditation as required.
- 3.10 A member may resign from the CAP by giving notice, in writing, to that effect to the Chief Executive Officer (CEO).
- 3.11 All members of the CAP are public officers for the purpose of the *Independent Commissioner Against Corruption Act 2012* and Part 7 Division 4 (Offences relating to Public Officers) of the *Criminal Law Consolidation Act 1935*. As such they are subject to the provisions of those Acts, including reporting requirements.
- 3.12 Independent Members to the CAP are subject to the Code of Conduct relating to Assessment Panel Members.
- 3.13 Elected Members to the CAP are subject to both the Code of Conduct relating to Assessment Panel Members and the Code of Conduct for Council Members.

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#### 4. REMOVAL OF A MEMBER

- 4.1 Subject to giving a member an opportunity to be heard or to make a written submission, the Council may resolve to remove a member for:
- 4.1.1 breach of, or failure to comply with, the conditions of appointment; or
  - 4.1.2 failure to disclose his or her financial interests in accordance with section 83(1)(e) of the Act; or
  - 4.1.3 failure to comply with a requirement under section 83(1)(g) of the Act or a breach of, or failure to comply with, a code of conduct in accordance with the Schedule 3(1) of the Act.
  - 4.1.4 or any for any other reason as Council sees fit.
- 4.2 The Council must substitute existing members of the CAP with new members if directed to do so by the Minister acting on the recommendation from the State Planning Commission.
- 4.3 Particulars of the grounds for removal will be communicated to the member at least one (1) calendar month before the meeting of the Council at which the matter will be determined.
- 4.4 The member will provide any written representation in response to the particulars at least fourteen (14) days before the meeting of the Council at which the matter will be determined.
- 4.5 The determination of the Council will be communicated to the member, and in the event of an adverse determination the member shall cease to be a member immediately when the Council has communicated its determination to him/her.
- 4.6 The determination must be communicated to the member:
- (a) personally; or
  - (b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the member or to another place authorised in writing by the member for the purpose of receiving notices of CAP or Council meetings, as the case may be; or
  - (c) by leaving it for the member at an appropriate place at the principal office of the Council, if authorised in writing by the member to do so for the purpose of receiving notices of CAP meetings, as the case may be; or
  - (d) by a means authorised in writing by the member as being an available means of giving notice (e.g. facsimile transmission or email) for the purpose of receiving notices of CAP or Council meetings, as the case may be.
- 4.7 Notice of the determination not given in accordance with clause 4.6 is taken to have been validly given if the CEO considers it impracticable to give the notice in accordance with that clause and takes action the CEO considers reasonably practicable in the circumstances to bring the notice to the attention of the member.

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- 4.8 A member who has been removed from the CAP pursuant to clause 4 of these Terms of Reference may apply to the Council for reappointment to the CAP. The decision whether to allow a person to re-join the CAP is at the Council's absolute discretion.

## 5. VACANCY OF OFFICE

- 5.1 The office of a member will become vacant if the member:
- 5.1.1 dies;
  - 5.1.2 completes a term of office and is not reappointed;
  - 5.1.3 resigns by written notice to the CEO;
  - 5.1.4 is convicted of a relevant offence; or
  - 5.1.5 is removed from office under clause 4 of these Terms of Reference.
- 5.2 If a vacancy in membership occurs at any time then the Council will fill that vacancy at the earliest opportunity by Council resolution.

## 6. FUNCTIONS AND RESPONSIBILITIES

- 6.1 The functions and responsibilities for the CAP are as follows:
- 6.1.1 In accordance with the delegations conferred by the Council, the CAP is charged with responsibility for all matters arising under the *Development Act 1993* until such a time as the powers and functions with regard to delegations are operational under the *Planning, Development and Infrastructure Act 2016*.
  - 6.1.2 The CAP must act, at all times, in strict accordance with relevant legislation (being the Act and the Regulations) including any relevant code of conduct under the Act and/or Regulations which are relevant to the CAP in the performance of its functions.

## 7. CONFLICT OF INTERESTS

- 7.1 Members of the CAP must disclose their financial interests in accordance with section 83(1)(e) and Schedule 1 of the Act. Failure to do so may result in the removal of the member from office pursuant to clause 4 of these Terms of Reference.
- 7.2 Members must not act in relation to a development if he or she has a direct or indirect pecuniary interest in any aspect of the development or any body associated with any aspect of the development in accordance with section 83(1)(g). Failure to do so is an offence with a maximum penalty of \$20 000.

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## **8. REPORTS TO COUNCIL**

The CAP will report to Council at least once per year, detailing issues for consideration by the Council. The Annual Report should include the following information:

- (a) The number of meetings held;
- (b) The number and nature of applications that were considered (including the number of confidential items considered);
- (c) Advice in respect of any trends, issues and other matters that have become apparent or arisen through the CAP's assessment of applications, and
- (d) The number of decisions of the CAP that were appealed to the Environment, Resources and Development Court.

## **9. LIABILITY**

No civil liability attaches to a member of a committee for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the members' or committee's powers, functions or duties. Such a liability attaches instead to the Council.

## **10. REMUNERATION**

The members of the CAP, including Deputy Members and Members appointed in accordance with clause 3.7 of these Terms of Reference, will receive a sitting fee (exclusive of GST) for each CAP meeting attended, as approved by Council.

## CITY OF WEST TORRENS



## Code of Practice Procedures at Council Assessment Panel Meetings

<b>Classification:</b>	Code of Practice
<b>First Issued:</b>	October 2017
<b>Dates of Review:</b>	
<b>Commencement</b>	1 October 2017
<b>Version Number:</b>	1
<b>Objective ID:</b>	A2038977
<b>Applicable Legislation:</b>	<ul style="list-style-type: none"> <li>• <i>Planning, Development and Infrastructure Act 2016</i></li> <li>• <i>Planning, Development and Infrastructure (General) Regulations 2017</i></li> <li>• <i>Assessment Panel Members - Code of Conduct</i></li> </ul>
<b>Related Policies or Corporate Documents:</b>	<ul style="list-style-type: none"> <li>• Term of Reference - Council Assessment Panel</li> </ul>
<b>Associated Forms:</b>	
<b>Note:</b>	
<b>Responsible Manager:</b>	<b>General Manager Urban Services</b>
<b>Confirmed by General Manager:</b>	Urban Services <span style="float: right;">Date</span>
<b>Approved by Executive:</b>	<span style="float: right;">Date</span>
<b>Endorsed by CAP:</b>	<span style="float: right;">Date</span>

City of West Torrens - Code of Practice - Procedures at CAP Meetings

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City of West Torrens - Code of Practice - Procedures at CAP Meetings

## Code of Practice - Procedures at Council's Assessment Panel Meetings

### 1. Introduction

The City of West Torrens is committed to the principle of honest, open and accountable government and encourages community participation in the business of Council's Assessment Panel (CAP).

The *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations) stipulate the statutory procedures to be undertaken during the operation of CAP meetings. Under these Regulations, the CAP may adopt a Code of Practice for its meetings and may determine its own procedure(s) so long as it is not inconsistent with the *Planning, Infrastructure and Development Act 2016* (Act) or Regulations.

The variations to prescribed meeting procedures that have been adopted by the CAP have been inserted (in a shaded text box) in this Code of Practice to enable them to be read in conjunction with the formal requirements of the Regulations.

The combined document is regarded as the City of West Torrens' Code of Practice for Procedures at CAP Meetings (Code of Practice).

Those 'sub-regulations' contained in the Regulations are identified throughout the Code of Practice in accordance with the exact numeric value ascribed to them in the Regulations. City of West Torrens procedures are described as 'clause(s)'.

This Code of Practice provides guidelines for Members of the CAP relating to procedures at CAP meetings. It is also available to the public to assist their understanding of the procedures associated with the operation of CAP meetings. This Code of Practice is reviewed annually.

The CAP may, at any time by resolution, alter or substitute or revoke this Code of Practice.

### 2. Interpretation

"Act" means the *Planning, Development and Infrastructure Act 2016*;

"Additional member" - a person who holds a qualification, or has expertise or experience recognised by a practice direction for the purposes of section 85 of the Act. An Additional Member is not able to vote on any matter arising for determination by the CAP.

"Member" means a member of the Council Assessment Panel and includes a Deputy Member.

"Presiding Member" means the person who is the presiding member of and includes any person who is presiding at a particular meeting;

"Representor" means a member of the public who wishes to present information to the CAP in relation to a development assessment matter

City of West Torrens - Code of Practice - Procedures at CAP Meetings

"Written notice" includes a notice given in a manner or form determined by the CAP.

- (1) In the calculation of "clear days" in relation to the giving of notice before a meeting -
  - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
  - (b) Saturdays, Sundays and public holidays will be taken into account.
- (2) For the purposes of the calculation of clear days if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

### 3. Guiding Principles

The following principles (the "Guiding Principles") should be applied with respect to the procedures to be observed at a meeting of the CAP:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the CAP;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting.
- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

### 4. Application of Part (Regulation 12)

This Part applies to and in relation to the procedures of an assessment panel established under section 83 of the Act or clause 12 or 13 of Schedule 8 of the Act.

### 5. Notice of Meetings

#### City of West Torrens Provisions:

- (1) The CAP will meet at 165 Sir Donald Bradman Drive, Hilton SA 5033 at 5pm on the second Tuesday of each month, commencing 1 October 2017.
- (2) Notice of a CAP meeting must:
  - (a) be in writing
  - (b) set out the time, date and place of the meeting
  - (c) be signed by Council's Assessment Manager
  - (d) contain or be accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (in so far as practicable)
  - (e) be provided electronically to CAP Members.
  - (f) be displayed at the Civic Centre, Hamra Centre Library and on Council's website.

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City of West Torrens - Code of Practice - Procedures at CAP Meetings

- (3) The Assessment Manager may vary the meeting date and time in consultation with the Presiding Member ensuring that a minimum of three (3) clear days' notice of the new meeting date is provided and the meeting is advertised according to clause 4(2) of this Code of Practice.
- (4) Special meetings of the CAP may be required in special circumstances to expedite decisions on applications before the CAP and will be called at the discretion of the Assessment Manager in consultation with the Presiding Member. Members of the CAP, applicants, representors and the public must be given that a minimum of four (4) hours' notice before the commencement of the special meeting.

## 6. Deputy Members

### City of West Torrens Provisions:

- (1) If a CAP Member is unable to attend a meeting, they must notify the Assessment Manager as soon as reasonably practicable.
- (2) The Assessment Manager may request the Deputy Member to the Elected Member attend a meeting in the place of the CAP Member for all or part of a meeting.

## 7. Additional Members

### City of West Torrens Provisions:

- (1) The CAP may, by resolution, appoint up to two Additional Members to assist the CAP in dealing with a particular matter.
  - 1(a) Such additional members must hold a qualification, or have expertise or experience, recognised by a practice direction conferred under the Act or Regulations.
- (2) A request for an Additional Member to attend a meeting must be made in writing and be accompanied by the notice for the meeting in accordance with clause 4.2, highlighting the item(s) the Additional Member is required to consider.
- (3) Additional members appointed by the CAP are not entitled to vote at meetings.

## 8. Quorums (Regulation 15)

A quorum at a meeting of an assessment panel is a number obtained by dividing the total number of members of the assessment panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.

City of West Torrens - Code of Practice - Procedures at CAP Meetings

## 9. Commencement of Meetings

### City of West Torrens Provisions:

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the Assessment Manager indicates that a quorum will not be present at a meeting, the Assessment Manager may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member or, in the absence of the Presiding Member, the Deputy Presiding Member, or in the absence of both members, the Assessment Manager, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the Assessment Manager will record in the minutes the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the Assessment Manager must:
  - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
  - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the Council and on Council's website.

## 10. Order of Business

### City of West Torrens Provisions:

- (1) Prior to the commencement of business the Assessment Manager will read the Fire Evacuation Statement if members of the public are present.
- (2) If both the Presiding Member and the Deputy Presiding Member are absent from a meeting, a member will be chosen from those present to preside at the meeting. That Member will have all the powers and duties of the Presiding Member at that meeting.
- (3) The Presiding Member may alter the order of business listed in the agenda with the leave of the CAP, e.g. if the majority of the representors are interested in a particular item.
- (4) The Presiding Member may, with the leave of the CAP, adjourn a CAP Meeting to a future date and time.

City of West Torrens - Code of Practice - Procedures at CAP Meetings

## 11. Voting (Regulation 16)

- (1) Each member of an assessment panel, other than additional members appointed by the CAP, present at a meeting of the assessment panel is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- (2) Sub-regulation (1) does not apply to a person who is taken to be a member of an assessment panel under section 85 of the Act.

## 12. Public Access to Meetings (Regulation 13)

- (1) In connection with the conduct of the proceedings of an assessment panel, members of the public are entitled to attend a meeting of the panel other than as set out in sub-regulation (2).

### City of West Torrens Provisions:

- (1) The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by any person (including a CAP Member, applicant, representor or other member of the public) to a specified date and time.
- (2) The Presiding Member may ask a member of the public (including an applicant, representor or other member of the public) to leave a meeting where they are, in the opinion of the Presiding Member:
  - (a) behaving in a disorderly manner; or
  - (b) causing an interruption or disruption to the meeting.

- (2) An assessment panel may exclude the public from attendance at a meeting—
  - (a) during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following matters:
    - i. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
    - ii. information the disclosure of which—
      - A. could unreasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
      - B. would, on balance, be contrary to the public interest;
    - iii. information the disclosure of which would reveal a trade secret;
    - iv. commercial information of a confidential nature (not being a trade secret) the disclosure of which—

City of West Torrens - Code of Practice - Procedures at CAP Meetings

- A. could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
    - B. would, on balance, be contrary to the public interest;
  - v. matters affecting the safety or security of any person or property;
  - vi. information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
  - 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;
  - ix. information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place;
  - x. information the disclosure of which—
    - A. would divulge information provided on a confidential basis by or to a Minister of the Crown, the Commission, or another public authority or official; and
    - B. would, on balance, be contrary to the public interest; and
- (b) during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.

**City of West Torrens Provisions:**

- (1) If the public have been excluded from attendance at a meeting, the CAP must resolve whether or not to retain, (in confidence), the reports and documents which have been considered by the CAP in confidence.
- (2) If the CAP orders, by means of resolution, that the information is to remain confidential they must also determine the circumstances in which that the confidential order will cease to apply or a period after which the order is to be reviewed. Any order exceeding a twelve month period will be reviewed at least once in every year.
- (3) At the end of each financial year the Assessment Manager will undertake a review of the reports and documents which remain in confidence.
- (4) The annual review will be presented to CAP and will identify which confidentiality orders have expired and which remain.
- (5) The outcome of the annual review will also be presented to Council for information and included within the Annual report.

City of West Torrens - Code of Practice - Procedures at CAP Meetings

**City of West Torrens Provisions:**

- (1) The Presiding Member may, at their discretion, exclude:
  - (a) a representation or response to representation(s) which is received out of time;
  - (b) a representation in relation to Category 2 development from a person who was not entitled to be given notice of the application; or
  - (c) a representation or response to representation(s) which is otherwise invalid.
- (2) The Presiding Member, may at their discretion, accept and allow to be considered by the CAP any new or additional material submitted by a representor or applicant. The CAP may defer consideration of the application to enable full and proper assessment of the further information.
- (3) Any material to be considered by the CAP pursuant to clause (2) must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.
- (4) In relation to each application it considers, the CAP must:
  - (a) determine whether the proposal is seriously at variance with the Development Plan and provide reasons for its determination; and
  - (b) provide reasons for granting or refusing Development Plan consent and for the imposition of any conditions.
- (5) If the CAP determines that a proposal is seriously at variance with the Development Plan, it must refuse Development Plan consent to the application.
- (6) In relation to each application to be considered and determined by the CAP:
  - (a) a person who has lodged a representation in relation to a Category 2 or 3 application which has not been excluded pursuant to clause (1) and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;
  - (b) a person who has lodged a representation in relation to a Category 2 application which has not been excluded pursuant to clause (1) and who has indicated that they wish to be heard on their representation may, at the discretion of the Presiding Member, appear before the CAP and be heard in support of their representation, in person or by an agent;
  - (c) where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;
  - (d) where no representors appear at the meeting, the Presiding Member may, in his or her discretion, allow an applicant to be heard in support of his or her application, in person or by an agent;
  - (e) representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;

City of West Torrens - Code of Practice - Procedures at CAP Meetings

- (f) CAP members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
- (g) following addresses from representors and the applicant, the Presiding Member will invite all Members to speak on any matter relevant to the application.

### 13. Minutes and Other Documents (Regulation 14)

- (1) An Assessment Manager must ensure that accurate minutes are kept of its proceedings.
- (2) A disclosure by a member of an assessment panel of a direct or indirect pecuniary interest in any aspect of a development or any body associated with any aspect of a development required under the Act must be recorded in the minutes of the assessment panel.
- (3) Members of the public are entitled to reasonable access to—
  - (a) the agendas for meetings of an assessment panel; and
  - (b) the minutes of meetings of an assessment panel.
- (4) However, an assessment panel may, before it releases a copy of any minutes under sub-regulation (3), exclude from the minutes information about any matter dealt with on a confidential basis by the assessment panel.
- (5) Minutes must be available under sub-regulation (3) within 5 business days after their adoption by the members of the assessment panel.

#### **City of West Torrens Provisions:**

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the Presiding Member will -
  - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
  - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of proceedings of a meeting must include -
  - (a) the names of all Members present;
  - (b) the names of all Members from whom apologies have been received;

City of West Torrens - Code of Practice - Procedures at CAP Meetings

- (c) the name and time that a Member enters or leaves the meeting, once the meeting has commenced;
  - (d) the name of every person who makes a representation;
  - (e) in relation to each application determined by the CAP:
    - i. the determination of the CAP as to whether the proposal is seriously at variance with the Development Plan;
    - ii. the reasons for granting or refusing Development Plan consent and for the imposition of any conditions; and
    - iii. where a decision is by majority vote, the decision and its mover and seconder, but not each Members' vote;
  - (f) if an application is not determined by the CAP, the deferral of the application and the reasons for the deferral;
  - (g) a decision to exclude the public from attendance pursuant to the Regulations;
  - (h) any disclosure of a direct or indirect pecuniary interest in any aspect of a development or any body associated with any aspect of a development made by a Member in accordance with Section 83(1)(g) of the Act, and the nature of the interest;
  - (i) any disclosure of a conflict of interest made by a Member pursuant to the Code of Conduct adopted by the Minister under Clause 1(1)(c) of Schedule 3 of the Act (**Code of Conduct**), and the nature of the interest; and
  - (j) if a meeting is adjourned by the Presiding Member, the reason for the adjournment and the date and time to which the meeting is adjourned.
- (5) All minutes must be confirmed by the Assessment Manager in conjunction with the Presiding Member as being accurate prior to, or at the commencement of, the following CAP meeting.

#### 14. Validity of Proceedings (regulation 17)

A proceeding of an assessment panel (and any decision made by an assessment panel) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

#### 15. Discretionary Procedures (regulation 18)

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the CAP pursuant to this regulation, then a CAP may, by a resolution supported by a majority members of the CAP entitled to vote on the resolution, determine that a code of practice prepared or adopted by the CAP that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).

City of West Torrens - Code of Practice - Procedures at CAP Meetings

**City of West Torrens Provisions:**

- (1) A CAP should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (2) A CAP may at any time, by resolution supported the majority of the CAP entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (3) A CAP must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (4) A person is entitled to inspect (without charge) the code of practice of a CAP under this regulation at the principal office of the council during ordinary office hours.
- (5) A person is entitled, on payment of a fee fixed by Council, to a copy of the code of practice.
- (6) The Presiding Member may, at their discretion, exclude:
  - (d) a representation or response to representation(s) which is received out of time;
  - (e) a representation in relation to Category 2 development from a person who was not entitled to be given notice of the application; or
  - (f) a representation or response to representation(s) which is otherwise invalid.
- (7) The Presiding Member, may at their discretion, accept and allow to be considered by the CAP any new or additional material submitted by a representor or applicant. The CAP may defer consideration of the application to enable full and proper assessment of the further information.
- (8) Any material to be considered by the CAP pursuant to clause (2) must be provided to the applicant and/or representor(s) (as the case may be) and those parties be provided with an opportunity to respond, either in writing or verbally, at the discretion of the Presiding Member.
- (9) In relation to each application it considers, the CAP must:
  - (c) determine whether the proposal is seriously at variance with the Development Plan and provide reasons for its determination; and
  - (d) provide reasons for granting or refusing Development Plan consent and for the imposition of any conditions.
- (10) If the CAP determines that a proposal is seriously at variance with the Development Plan, it must refuse Development Plan consent to the application.
- (11) In relation to each application to be considered and determined by the CAP:
  - (h) a person who has lodged a representation in relation to a Category 2 or 3 application which has not been excluded pursuant to clause (1) and who has indicated that they wish to be heard on their representation is entitled to appear before the CAP and be heard in support of their representation, in person or by an agent;

## City of West Torrens - Code of Practice - Procedures at CAP Meetings

- (i) a person who has lodged a representation in relation to a Category 2 application which has not been excluded pursuant to clause (1) and who has indicated that they wish to be heard on their representation may, at the discretion of the Presiding Member, appear before the CAP and be heard in support of their representation, in person or by an agent;
- (j) where one or more representors are heard by the CAP, the applicant is entitled to appear before the CAP to respond to any relevant matter raised by a representor, in person or by an agent;
- (k) where no representors appear at the meeting, the Presiding Member may, in his or her discretion, allow an applicant to be heard in support of his or her application, in person or by an agent;
- (l) representors and applicants will be allowed five minutes each to address the CAP. The Presiding Member may allow a party additional time at his or her discretion;
- (m) CAP members may question and seek clarification from a representor or applicant who has addressed the CAP at the conclusion of their address; and
- (n) following addresses from representors and the applicant, the Presiding Member will invite all Members to speak on any matter relevant to the application.



## Assessment Panel Members – Code of Conduct

### Introduction

Under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) the Minister may adopt a code of conduct to be observed by members of an assessment panel established under the PDI Act. This code of conduct sets out standards of conduct and professionalism that are to be observed by all members of assessment panels under the PDI Act. This code of conduct must be read in conjunction with the Act.

For the purposes of the PDI Act, a key requirement is that all members of assessment panels must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of development assessment under the Act.

The code is the key tool to ensure that all members of assessment panels act honestly and ethically with a high degree of accountability. If a member of an assessment panel has any doubt in regard to any function they may perform under the Act they should seek the advice of the panel's assessment manager or some other appropriate person.

While some members of an assessment panel may also be bound by other codes of conduct or professional standards issued by their respective professional associations, they have no legal status under the Act. If there is a conflict between a requirement in this code of conduct and any other professional code or standard, this code prevails for the purposes of the Act.

### Legislative framework

Under section 15 of the PDI Act, all members of assessment panels are subject to a statutory duty as described in the section as follows:

- (1) *It is expected that a person or body that—*
- (a) *seeks to obtain an authorisation under this Act; or*
  - (b) *performs, exercises or discharges a function, power or duty under this Act; or*
  - (c) *takes the benefit of this Act or is otherwise involved in a process provided by this Act, will—*
  - (d) *act in a cooperative and constructive way; and*
  - (e) *be honest and open in interacting with other entities under this Act; and*
  - (f) *be prepared to find reasonable solutions to issues that affect other interested parties or third parties.*

- (2) *Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must-*
- (a) *exercise professional care and diligence; and*
  - (b) *act honestly and in an impartial manner; and*
  - (c) *be responsible and accountable in its conduct; and*
  - (d) *comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.*
- (3) *The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.*
- (4) *The principles and benchmarks under this section— (a) do not give rise to substantive rights or liabilities; but (b) may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body.*

### **Code of conduct requirements**

In acting as a member of an assessment panel, a member must comply with the following requirements.

#### **General duties**

1. A member of an assessment panel must in performing, exercising or discharging a function, power or duty under the PDI Act, act in accordance with the general duties as set out in section 15 of the PDI Act.

#### **Act in the public interest**

2. A member of an assessment panel must act in a manner that promotes or protects the public interest.

#### **Procedures**

3. A member of an assessment panel must ensure that the procedures specified in the Act or prescribed in the *Planning Development and Infrastructure (General) Regulations 2017* are complied with.
4. A member of an assessment panel must comply with the panel procedures in relation to public comments and communication with the media

#### **Regard for honesty**

5. A member of an assessment panel must act with integrity, good faith and equity and must not discriminate toward any person in performing their duties.
6. A member of an assessment panel must advise the assessment manager and the Commission immediately if the member:
  - a. is the subject of a formal investigation into, or have been found to have, breached any other code of conduct, ethical standards or similar, either in another State or through a professional body of which they are a member; or
  - b. has been found guilty of a breach of any Act related to planning, building or a development related matter.

**Conflict of interest**

7. A member of an assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the council development assessment panel (other than an indirect interest that exists in common with a substantial class of persons)—
  - a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
  - b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.
8. A member of an assessment panel will be taken to have an interest in a matter for the purposes of item 7 if an associate of the member (within the meaning of section 3 (7) of the PDI Act) has an interest in the matter.
9. If an interest has been declared by a member of an assessment panel the nature of the interest must be recorded in the minutes of the meeting.

**Making decisions and taking action**

10. A member of an assessment panel must take all reasonable steps to obtain all relevant facts and information when making a decision on a matter before the panel.
11. A member of an assessment panel must ensure that the member's decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all relevant facts obtained, and supported by adequate documentation.
12. A member of an assessment panel must not approach or discuss with an applicant or representor any application which is either before the panel or will come before the panel at some future time expect during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the panel.
13. Except where required as part of the assessment of a particular decision such as a formal panel viewing of a site of a proposed development, you should not enter the site even if invited by the land owner or a neighbouring property owner or any other person.
14. A member of an assessment panel must not:
  - a. engage in consultation outside of the panel process with any party on a proposed development application that is likely to be heard by the panel;
  - b. give advice to an applicant or other third party on a development application after it has been lodged outside of a panel meeting;
  - c. speak at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a development application unless required by the Act;
  - d. express an opinion on a development application or a proposed development outside of a panel meeting; and
  - e. engage in any other act or omission which may give rise to a reasonable presumption that you have prejudged a development proposal or application.

**Public comment**

15. Only the presiding member or another person determined by the panel is permitted to speak publicly to the media and address the public on behalf of the panel. No other panel member may make comment to the media or the public in relation to any matter before the panel or any decision of the panel.

**Protection and use of information**

16. A member of an assessment panel must maintain the integrity and security of confidential information in their possession and must not use confidential information gained by virtue of the member's official position for the purpose of securing a private benefit for the member or any other person.
17. A member of an assessment panel must not disclose information acquired in the course of their professional work other than if consent of the relevant person has been granted or where there is a legal or professional duty to disclose such information.

**Proper exercise of power**

18. A member of an assessment panel must not take advantage of the member's position, power or duties for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for the member or any other person.

**Gifts and benefits**

19. A member of an assessment panel must not seek or accept a gift or benefit that is intended to, is likely to or could be perceived as likely to, cause them to act in an unfair or biased manner in the course of the member's duties.
20. A member of an assessment panel must take all reasonable steps to ensure that a person related to the member does not receive gifts or benefits that could appear to be an attempt to influence or secure or have the effect of influencing or securing a favour from the member of an assessment panel. A person is related to a member of an assessment panel for the purpose of this provision if the person is spouse, de facto partner, sibling, parent or child of the member of the assessment panel.

**Bias**

21. A member of an assessment panel should always have regard to any affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that they may be biased in carrying out any aspect of their role under the Act.

**6.2 51 Daly Street, Kurralta Park**

Application No 211/693/2017 &amp; 211/699/2017

**DEVELOPMENT APPLICATION DETAILS**

DEVELOPMENT PROPOSAL	Combined Application: Land division - Torrens Title; SCAP No. 211/D101/17 (Unique ID 58346), Create one (1) additional allotment; and construction of a single storey detached dwelling with double garage under main roof	Combined Application: Land division - Community Title; SCAP No. 211/C102/17 (Unique ID 58347); Create one (1) additional allotment; and construction of a single storey residential flat building comprising two (2) dwellings with single garages under main roof
APPLICANT	ZhiHong Qu	ZhiHong Qu
APPLICATION NO	211/693/2017	211/699/2017
LODGEMENT DATE	24 March 2017	24 March 2017
ZONE	Residential Zone	Residential Zone
POLICY AREA	Medium Density Policy Area 18	Medium Density Policy Area 18
APPLICATION TYPE	Merit	Merit
PUBLIC NOTIFICATION	Category 1	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> <li>▪ City Assets</li> <li>▪ Amenity Officer</li> </ul> External <ul style="list-style-type: none"> <li>▪ DAC</li> <li>▪ SA Water</li> </ul>	Internal <ul style="list-style-type: none"> <li>▪ City Assets</li> </ul> External <ul style="list-style-type: none"> <li>▪ DAC</li> <li>▪ SA Water</li> </ul>
DEVELOPMENT PLAN VERSION	30 May 2017	30 May 2017
MEETING DATE	10 October 2017	10 October 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. 211/693/2017 by ZhiHong Qu to undertake Combined Application: Land division - Torrens Title; SCAP No. 211/D101/17 (Unique ID 58346), Create one (1) additional allotment; and construction of a single storey detached dwelling with double garage under main roof at 51 Daly St, Kurralta Park (CT5730/763) subject to the following conditions of consent:

**Development Plan Consent Conditions**

1. Development is to take place in accordance with the plans prepared by Mattson and Martyn Surveying and Planning Consultants and Verrocchi Building Design relating to Development Application No. 211/693/2017 (SCAP 211/D101/17).

## Land Division Consent Conditions

1. That prior to the issue of Section 51 Clearance to this division approved herein, all existing structures shall be removed from the proposed allotments.
2. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0060170).  
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 Planning 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 and Land Division Consent for Application No. 211/699/2017 by ZhiHong Qu to undertake Combined Application: Land division - Community Title; SCAP No. 211/C102/17 (Unique ID 58347); Create one (1) additional allotment; and construction of a single storey residential flat building comprising two (2) dwellings with single garages under main roof at 51 Daly Street, Kurralta Park (CT5730/763) subject to the following conditions of consent:

### Development Plan Consent Conditions

1. Development is to take place in accordance with the plans prepared by Mattson and Martyn Surveying and Planning Consultants and Fairmont Homes relating to Development Application No. 211/699/17 (DAC 211/C102/17).
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 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.

### Land Division Consent Conditions

1. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0060190).  
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.

2. Payment of \$6,676 into the Planning and Development fund (1 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 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 Planning Commission for Land Division Certificate purposes.

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## BACKGROUND

The development proposal is presented to the Development Assessment Panel (DAP) for the following reason:

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan.

## PREVIOUS OR RELATED APPLICATION(S)

Nil

## SITE AND LOCALITY

The subject site is regular in shape and located on the eastern side of Daly Street. It is formally known as Allotment 100 Deposited Plan 1983 in the area named Kurralta Park, more commonly known as 51 Daly Street, Kurralta Park.

With a primary frontage of 18.29m and a depth of 49.38m, the overall site area is 903.16m<sup>2</sup>. The site currently contains a single storey detached dwelling, carport, verandah and two domestic outbuildings. All of the existing structures will need to be removed from the site in order to facilitate this development.

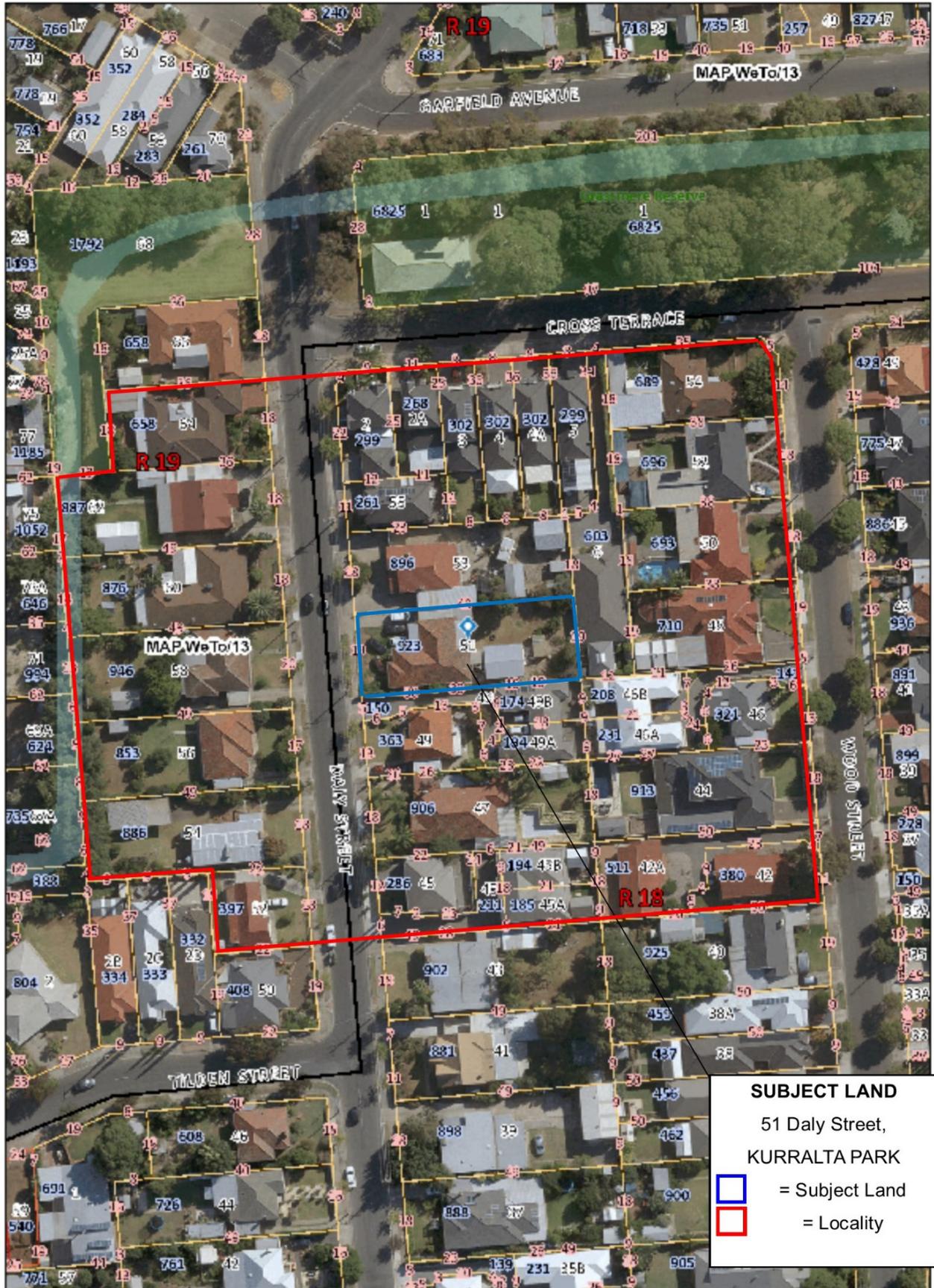
The allotment has a single width crossover in the north western corner of the allotment that is clear of the two street trees and stobie pole which are located south of it.

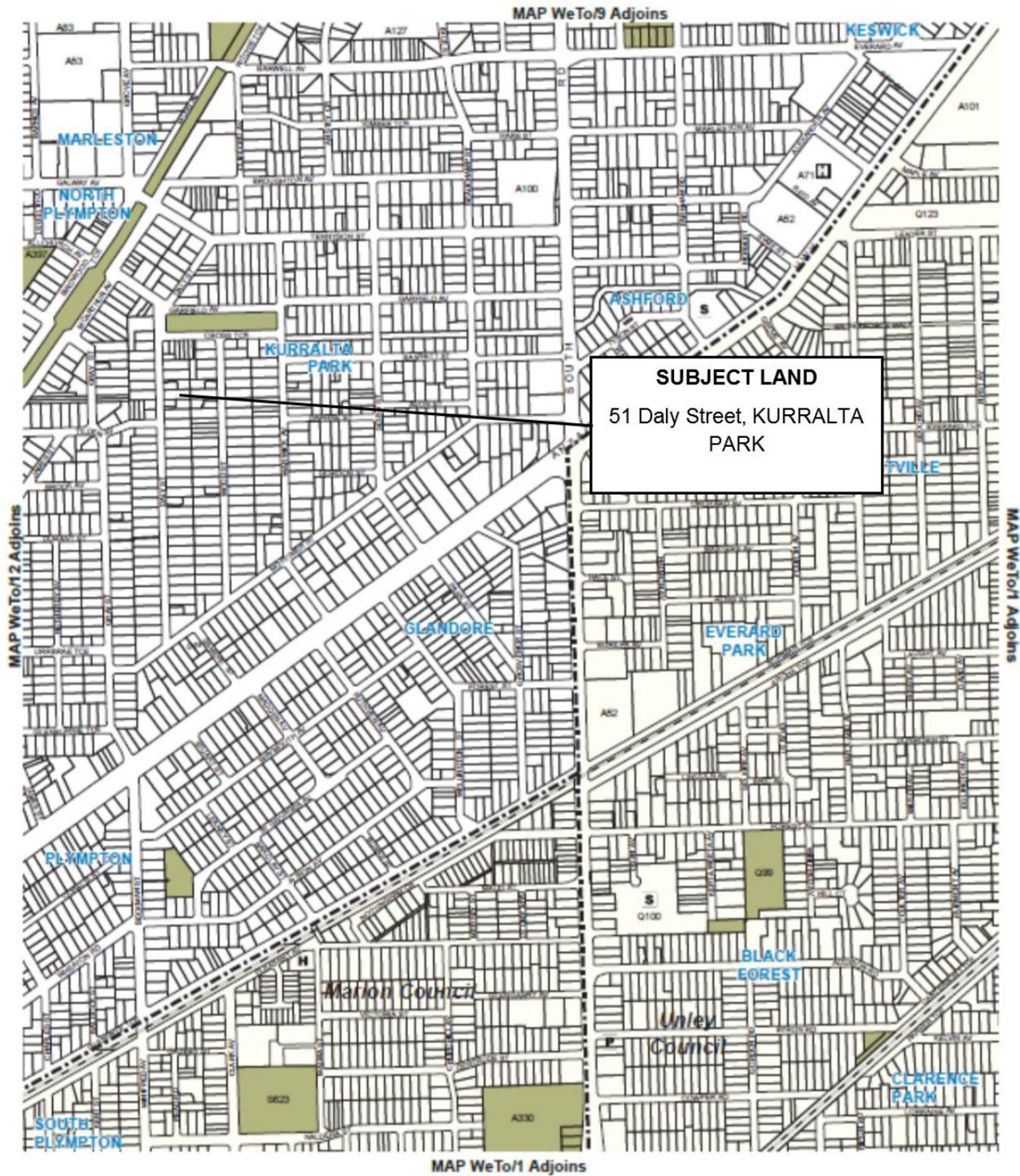
The locality is residential in nature comprised of detached dwellings and residential flat buildings. The eastern side of Daly Street is in the Medium Density Policy Area 18, whilst the western side is in the Medium Density Policy Area 19.

There is an existing character of single storey detached dwellings with wide street frontages along Daly Street. However, this existing character is at odds with the Desired Character of both Policy Area 18 and 19 that both seek higher density development.

The locality is within a flood prone area with an anticipated depth of 0-0.1m during a 1 in 100 year flood event.

Overall it is considered that the locality exhibits a medium to high level of amenity for its residents.





**SUBJECT LAND**  
 51 Daly Street, KURRALTA  
 PARK



- School
- Post Office
- Other Health Services
- Hospital
- Railways
- Local Reserves
- Development Plan Boundary

# Location Map WeTo/13

WEST TORRENS COUNCIL  
 Consolidated - 30 May 2017

## PROPOSAL

It is considered that the proposals are best described as follows:

211/699/2017

*"Combined Application: Land division - Torrens Title; SCAP No. 211/D101/17 (Unique ID 58346), Creating one (1) additional allotment; and construction of a single storey detached dwelling with double garage under main roof."*

211/693/2017

*"Combined Application: Land division - Community Title; SCAP No. 211/C102/17 (Unique ID 58347); Creating one (1) additional allotment; and construction of a single storey residential flat building comprising two (2) dwellings with single garages under main roof."*

211/699/2017 is the primary application as it will create the two Torrens titled parcels.

211/693/2017 will then further divide the larger of the two Torrens titled allotments into two additional lots and a common driveway.

## REFERRALS

### Internal

- City Assets

All of City Assets initial concerns were resolved with the submission of amended plans.

### External

Pursuant to Section 38 and Schedule 8 of the Development Act and Regulations, the application was referred to:

- SCAP

No concerns were raised and only the standard conditions imposed.

- SA Water

No concerns were raised and only the standard conditions imposed.

## ASSESSMENT

The subject land is located within the Residential Zone, specifically the Medium Density Policy Area 18 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
Crime Prevention	Objectives	1
	Principles of Development Control	1, 2 & 3
Design and Appearance	Objectives	1
	Principles of Development Control	1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21 & 22
Energy Efficiency	Objectives	1 & 2
	Principles of Development Control	1 & 2
Orderly and Sustainable Development	Objectives	1, 2, 3, 4 & 5
	Principles of Development Control	1, 7 & 8
Residential Development	Objectives	1, 2 & 4
	Principles of Development Control	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 27, 28, 29 & 31
Transportation and Access	Objectives	2
	Principles of Development Control	23, 24, 25, 30, 32, 33, 34 & 44

Zone: Residential Zone	
<i>Desired Character Statement:</i>	
<p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a <b>Historic Conservation Area</b>.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
Objectives	1, 2, 3 & 4
Principles of Development Control	1, 5, 6, 7, 8, 9, 11, 12 & 14

<b>Policy Area: Medium Density Policy Area 18</b>	
<b>Desired Character Statement:</b>	
<p>Allotments in this policy area will be at medium density, accommodating a range of dwelling types including residential flat buildings, row dwellings, group dwellings, semi-detached dwellings and some detached dwellings on small allotments. Allotment amalgamation to create larger development sites will occur to maximise the density of development while also achieving integrated design outcomes, particularly within a comfortable walking distance of centre zones. Vehicle access will occur from side streets and new rear public and private laneways wherever possible, also supporting the retention of existing street trees.</p> <p>New buildings will contribute to a highly varied streetscape. Buildings will be up to 3 storeys and provide a strong presence to streets, other than in the part of the policy area in Underdale, Ashford (other than allotments adjacent to <b>Residential Character Ashford Policy Area 22</b>) and allotments bounded by Anzac Highway, Morphett Road and Cromer Street in Camden Park where buildings will be up to 4 storeys. Parking areas and garages will be located behind the front facade of buildings.</p> <p>Buildings on the edge of the policy area which adjoin residential policy areas at lower densities will pay particular attention to managing the interface with adjoining dwellings, especially in terms of the appearance of building height and bulk, and overshadowing.</p> <p>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</p>	
Objectives	1
Principles of Development Control	1, 5, 6, 7 & 8

## QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the prescriptive requirements of the Development Plan as outlined in the table below:

DEVELOPMENT PLAN PROVISIONS	STANDARD	ASSESSMENT
SITE AREA <i>Medium Density Policy Area 18</i> PDC 6	Detached Dwelling 250m <sup>2</sup> (min.)  Residential Flat Building 150m <sup>2</sup> (avg.)	309m <sup>2</sup> (Lot 201) 205m <sup>2</sup> (Lot 202) 202m <sup>2</sup> (Lot 203)  <b>Satisfies</b>
SITE FRONTAGE <i>Medium Density Policy Area 18</i> PDC 6	Detached Dwelling 9m  Residential Flat Building 15m (complete building)	12.29m (Lot 201) 6m (Lot 202) 6m (Lot 203)  <b>Lot 202 &amp; 203 do not satisfy by 60%</b>

SITE COVERAGE <i>Medium Density Policy Area 18</i> PDC 5	70% (max.)	63% (Lot 201) 65% (Lot 202) 65% (Lot 203) 46% (Total)  <b>Satisfies</b>
PRIMARY STREET SETBACK <i>Medium Density Policy Area 18</i> PDC 5	3m (min.)	12.29m (Lot 201) N/A (Lot 202) N/A (Lot 203)  <b>Satisfies</b>
SIDE/REAR SETBACKS <i>Residential Zone</i> PDC 11	Side 0/1m	0m (garage) (Lot 201) 0.9m (Lot 202) 0.9m (Lot 203)  <b>Satisfies</b>
<i>Medium Density Policy Area 18</i> PDC 5	Rear 4m (min.)	4.3m (Lot 201) 3m (Lot 202) 3m (Lot 203)  <b>Lot 202 &amp; 203 do not satisfy</b>
BUILDING HEIGHT <i>Medium Density Policy Area 18</i> PDC 5	3 storeys or 12.5m (all other allotments)	1 storey  <b>Satisfies</b>
INTERNAL FLOOR AREA <i>Residential Development</i> PDC 9	- 3+ Bedroom, 100m <sup>2</sup> (min.)	135.8m <sup>2</sup> (Lot 201) 110.1m <sup>2</sup> (Lot 202) 110.2m <sup>2</sup> (Lot 203)  <b>Satisfies</b>

<p><b>PRIVATE OPEN SPACE</b> <i>Residential Development</i> <i>PDC 19</i></p>	<p style="text-align: center;">&lt;300m<sup>2</sup></p> <ul style="list-style-type: none"> <li>- 24m<sup>2</sup> (min.), of which 8m<sup>2</sup> may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m.</li> <li>- Minimum dimension 3m (excl. balconies).</li> <li>- 16m<sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room.</li> </ul> <p style="text-align: center;">300-500m<sup>2</sup></p> <ul style="list-style-type: none"> <li>- 60m<sup>2</sup> (min.), of which 10m<sup>2</sup> may comprise balconies, roof patios and the like, provided they have a minimum dimension of 2m.</li> <li>-Minimum dimension 4m.</li> <li>- 16m<sup>2</sup> (min.) at the rear of side of dwelling, directly accessible from a habitable room.</li> </ul>	<p style="text-align: center;">Lot 201</p> <p style="text-align: center;">60.3m<sup>2</sup> (total) 4.3m (min. dimension) 60.3m<sup>2</sup> (accessed from habitable room) <b>Satisfies</b></p> <p style="text-align: center;">Lot 202</p> <p style="text-align: center;">32.3m<sup>2</sup> (total) 3m (min. dimension) 32.3m<sup>2</sup> (accessed from habitable room) <b>Satisfies</b></p> <p style="text-align: center;">Lot 203</p> <p style="text-align: center;">31.6m<sup>2</sup> (total) 3m (min. dimension) 31.6m<sup>2</sup> (accessed from habitable room) <b>Satisfies</b></p>
<p><b>CARPARKING SPACES</b> <i>Transportation and Access</i> <i>PDC 34</i></p>	<p>Detached, semi-detached, row and multiple dwellings</p> <ul style="list-style-type: none"> <li>- 2 car-parking spaces required, 1 of which is covered</li> </ul> <p>Group dwellings and Residential Flat Buildings</p> <ul style="list-style-type: none"> <li>- 2 car-parking spaces required, 1 of which is covered</li> </ul> <p>+ an additional 0.25 spaces per dwelling</p>	<p style="text-align: center;">Lot 201</p> <p style="text-align: center;">2 spaces provided (1 covered)</p> <p style="text-align: center;">Lot 202</p> <p style="text-align: center;">2 spaces provided (1 covered)</p> <p style="text-align: center;">Lot 203</p> <p style="text-align: center;">2 spaces provided (1 covered)</p> <p style="text-align: center;"><b>Satisfies</b></p>

## QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development satisfies the relevant Development Plan provisions with the exception of the following, as discussed under the following sub headings:

### Setbacks

A portion of the rear wall of proposed dwellings 2 and 3 are setback 3m from the rear boundary. The Medium Density Policy Area 18 states that dwellings should have a minimum rear setback of 4m. The 1m deficiency is not considered fatal to the application as it is only for a width of 4.6m on each dwelling. This is not considered to have significant detrimental impacts in terms of bulk and scale, overshadowing or visual amenity.

The allotment to the rear of the subject site is orientated so that the shared boundary is its side boundary. The dwelling on the adjoining site is setback approximately 1m from this shared boundary. The reduced setback will not create any overshadowing of the POS on the subject site nor overshadow the windows of the adjoining dwelling.

### Site Area and Frontage

The two dwellings at the rear of the site are joined together by a party wall making them a residential flat building. The Policy Area states that Residential Flat Buildings should have a minimum frontage of 15m for the whole building. As the rear allotments are accessed via a common driveway, the frontage is considered to be the width of this driveway which is 6.2m. This shortfall is not considered fatal to the application as there are several other examples of similar development in the immediate locality that have been undertaken in the same way, such as:

- 49a and 49b Daly Street;
- 45a and 45b Daly Street;
- 46a and 46b Wood Street;
- 42a Wood Street; and
- 6 Cross Street.

This established character of a detached dwelling at the front and then one or more dwellings behind will be reinforced by this development.

## SUMMARY

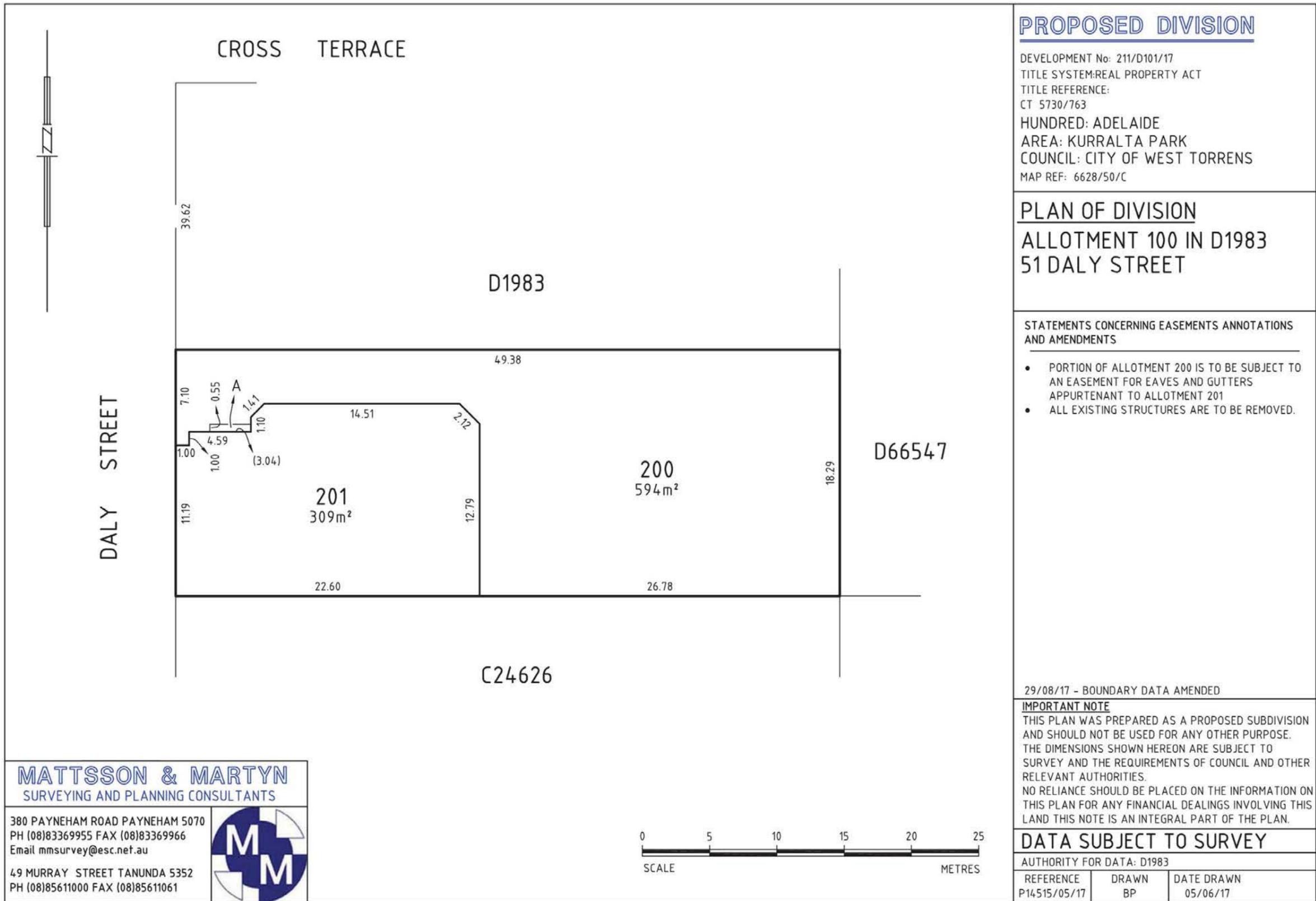
This is a reasonable development that will not be detrimental to the existing or desired character of the area.

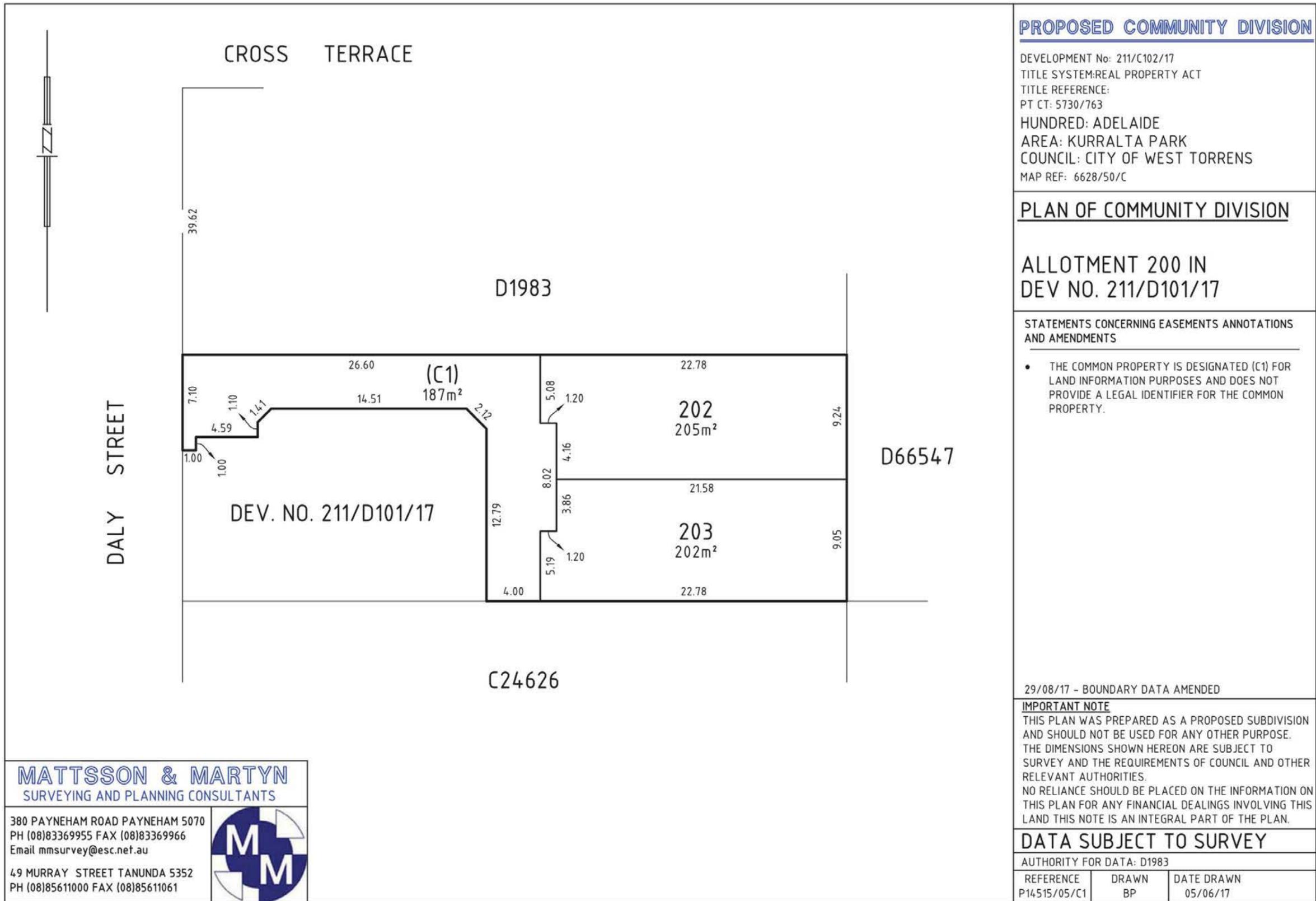
Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is not considered to be seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 30 May 2017 and warrants Development Plan Consent.

## Attachments

1. **Plan of Division (Torrens title)**
2. **Plan of Division (Community title)**
3. **Built form Site Plans and Elevations**





**PROPOSED COMMUNITY DIVISION**

DEVELOPMENT No: 211/C102/17  
 TITLE SYSTEM: REAL PROPERTY ACT  
 TITLE REFERENCE:  
 PT CT: 5730/763  
 HUNDRED: ADELAIDE  
 AREA: KURRALTA PARK  
 COUNCIL: CITY OF WEST TORRENS  
 MAP REF: 6628/50/C

**PLAN OF COMMUNITY DIVISION**

**ALLOTMENT 200 IN  
 DEV NO. 211/D101/17**

**STATEMENTS CONCERNING EASEMENTS ANNOTATIONS  
 AND AMENDMENTS**

- THE COMMON PROPERTY IS DESIGNATED (C1) FOR LAND INFORMATION PURPOSES AND DOES NOT PROVIDE A LEGAL IDENTIFIER FOR THE COMMON PROPERTY.

29/08/17 - BOUNDARY DATA AMENDED

**IMPORTANT NOTE**

THIS PLAN WAS PREPARED AS A PROPOSED SUBDIVISION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE DIMENSIONS SHOWN HEREON ARE SUBJECT TO SURVEY AND THE REQUIREMENTS OF COUNCIL AND OTHER RELEVANT AUTHORITIES. NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THIS LAND THIS NOTE IS AN INTEGRAL PART OF THE PLAN.

**DATA SUBJECT TO SURVEY**

AUTHORITY FOR DATA: D1983

REFERENCE	DRAWN	DATE DRAWN
P14515/05/C1	BP	05/06/17

**MATTSSON & MARTYN**  
 SURVEYING AND PLANNING CONSULTANTS

380 PAYNEHAM ROAD PAYNEHAM 5070  
 PH (08)83369955 FAX (08)83369966  
 Email mmsurvey@esc.net.au

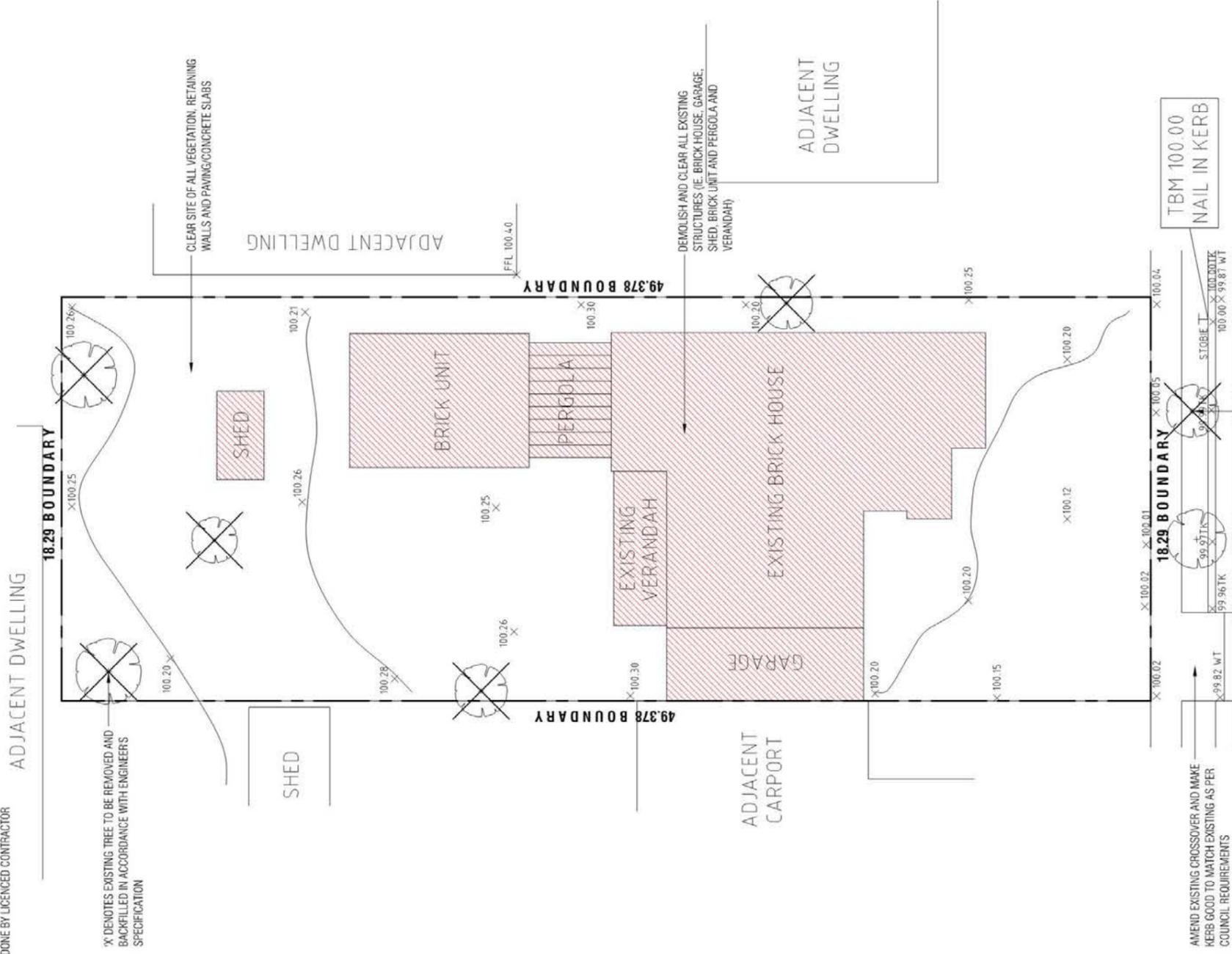
49 MURRAY STREET TANUNDA 5352  
 PH (08)85611000 FAX (08)85611061

**DEMOLITION NOTE:**

DEMOLITION CONTRACTOR TO CLEAR AWAY ALL REDUNDANT MATERIALS AND LEVEL GROUND WHERE SLABS & FOOTINGS HAVE BEEN LOCATED.

CONTRACTOR TO CHECK LOCATION OF ALL SERVICES (ELECTRICAL, PLUMBING, STORMWATER, TELEPHONE & SEWER) ON SITE PRIOR TO COMMENCEMENT OF WORK.

ALL TERMINATION OF SERVICES TO BE DONE BY LICENCED CONTRACTOR PRIOR TO DEMOLITION WORKS.



**DAILY STREET**



**DEMOLITION PLAN**  
SCALE 1:200 EXISTING SITE/SURVEY PLAN

DEMOLITION AREAS	sq.m
BRICK HOUSE	176.00
BRICK UNIT	50.00
GARAGE	30.00
SHED	8.00
PERGOLA	23.00
VERANDAH	17.00
<b>TOTAL</b>	<b>304.00</b>

rev	date	description
A	10/05	CONCEPT DRAWINGS
B	25/05	PLANNING DRAWINGS
C	29/05	AMENDED AS PER CLIENT'S REQUEST
D	28/08	AMENDED AS PER COUNCIL'S REQUEST

**verrocchi**buildingdesign

128a Moorings Ave North Plympton 5037  
m. 0407 820 946 e. dino.verocchi@gmail.com

project	DAILY STREET DEVELOPMENT	date	MAY 2017	drawn by	LD
at	51 DALY STREET STREET KURRALTA PARK SA 5037	scale	1:200	drawing no.	01
client	TONY	project no.	VBD.287	sheet no.	A3

**PLANNING DRAWINGS**

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**LANDSCAPING SCHEDULE:**

GROUND COVERS	HEIGHT (m)	SPREAD (m)
COAST BONEFRUIT <i>Trochalepis dielsii</i>	0.2	1.0
NATIVE BLUEBELL <i>Wahlenbergia</i> sp.	0.3	1.2-1.5
CUSHION BUSH <i>Leucosyria tomentosa</i>	1.0	1.0
<b>SHRUBS</b>		
COASTAL DAISY BUSH <i>Olearia acutata</i>	3.0	1.5
CUSHION FANFLOWER <i>Scariosia crassifolia</i>	1.5	2.0
ROUND LEAF WATTLE <i>Acacia acutaxos</i>	2.0	1.5-2.0
<b>TREES / SCREENING PLANTS</b>		
SOUTHERN CYPRESS PINE <i>Casuarina stricta</i>	5.0	2.0-4.0
COMMON BOOBALLA <i>Myoporum laetifolium</i>	2.0-5.0	5.0

**RWT NOTE:**

1000 LTS (MIN) RWT COLLECTING 50M<sup>2</sup> ROOF CATCHMENT AREA. PLUMBED TO EITHER TOILET, HOT WATER SYSTEM OR ALL LAUNDRY COLD WATER OUTLETS. RWT MUST BE FITTED WITH OVERFLOW DEVICE. INLET & OVERFLOW MUST BE FITTED WITH MOSQUITO-PROOF SCREENS. MUST COMPLY WITH BCA REQUIREMENTS.

**BOUNDARY/SURVEY NOTE:**

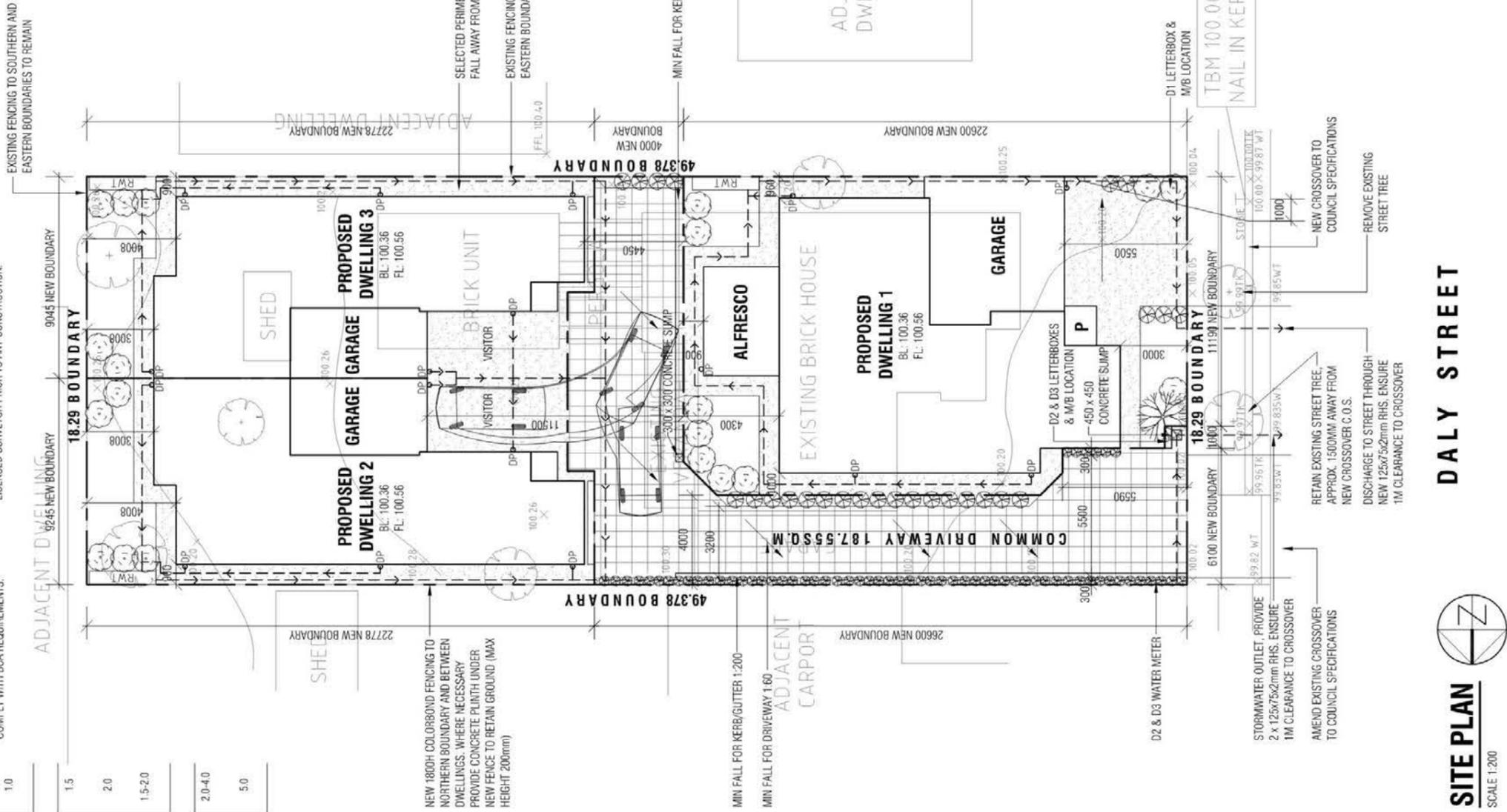
THIS DRAWING IS INTENDED FOR INDICATIVE BUILDING SETOUT PURPOSES ONLY. REFER TO CIVIL ENGINEER / SURVEYOR DRAWINGS FOR SITE LEVELS, CONTOURS, BENCH MARKS, SERVICE LOCATIONS, & EARTHWORK DESIGN. FINAL BOUNDARY & BUILDING SETOUT SHALL BE CONFIRMED & CERTIFIED BY LICENSED SURVEYOR PRIOR TO ANY CONSTRUCTION.

**BRUSH FENCE NOTE:**

THERE WILL NOT BE ANY BRUSH FENCES WITHIN 3MTRS OF THE PROPOSED BUILDING WORKS. ANY BRUSH FENCES WITHIN 3 METRES OF THE DWELLING ARE TO BE REMOVED (BY OWNER) & REPLACED WITH NON-COMBUSTIBLE MATERIAL. MUST COMPLY WITH BCA REQUIREMENTS.

**STORMWATER NOTE:**

REFER TO ENGINEER'S DRAINAGE PLAN FOR ALL LEVEL, RETAINING WALLS & STORMWATER DRAINAGE DESIGN.



**SITE PLAN**  
SCALE 1:200

**AREAS (D1)**

LIVING	135.78	sq.m
GARAGE	38.41	
ALFRESCO	16.63	
PORTICO	2.55	
<b>TOTAL</b>	<b>193.37</b>	
<b>SITE</b>	<b>308.59</b>	
<b>P.O.S.</b>	<b>60.32</b>	
<b>SITE COVERAGE</b>	<b>62.77%</b>	

**AREAS (D2)**

LIVING	110.10	sq.m
GARAGE	21.16	
PORTICO	1.57	
<b>TOTAL</b>	<b>132.83</b>	
<b>SITE</b>	<b>205.59</b>	
<b>P.O.S.</b>	<b>32.26</b>	
<b>SITE COVERAGE</b>	<b>64.65%</b>	

**AREAS (D3)**

LIVING	110.19	sq.m
GARAGE	19.32	
PORTICO	1.57	
<b>TOTAL</b>	<b>131.08</b>	
<b>SITE</b>	<b>201.39</b>	
<b>P.O.S.</b>	<b>31.66</b>	
<b>SITE COVERAGE</b>	<b>65.09%</b>	

**PLANNING DRAWINGS**

REV	DATE	DESCRIPTION
A	10/5	CONCEPT DRAWINGS
B	25/5	PLANNING DRAWINGS
C	29/5	AMENDED AS PER CLIENT'S REQUEST
D	28/8	AMENDED AS PER COUNCIL'S REQUEST

**verrocchi** *buildingdesign*

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m. 0407 820 946 e. dino.verocchi@gmail.com

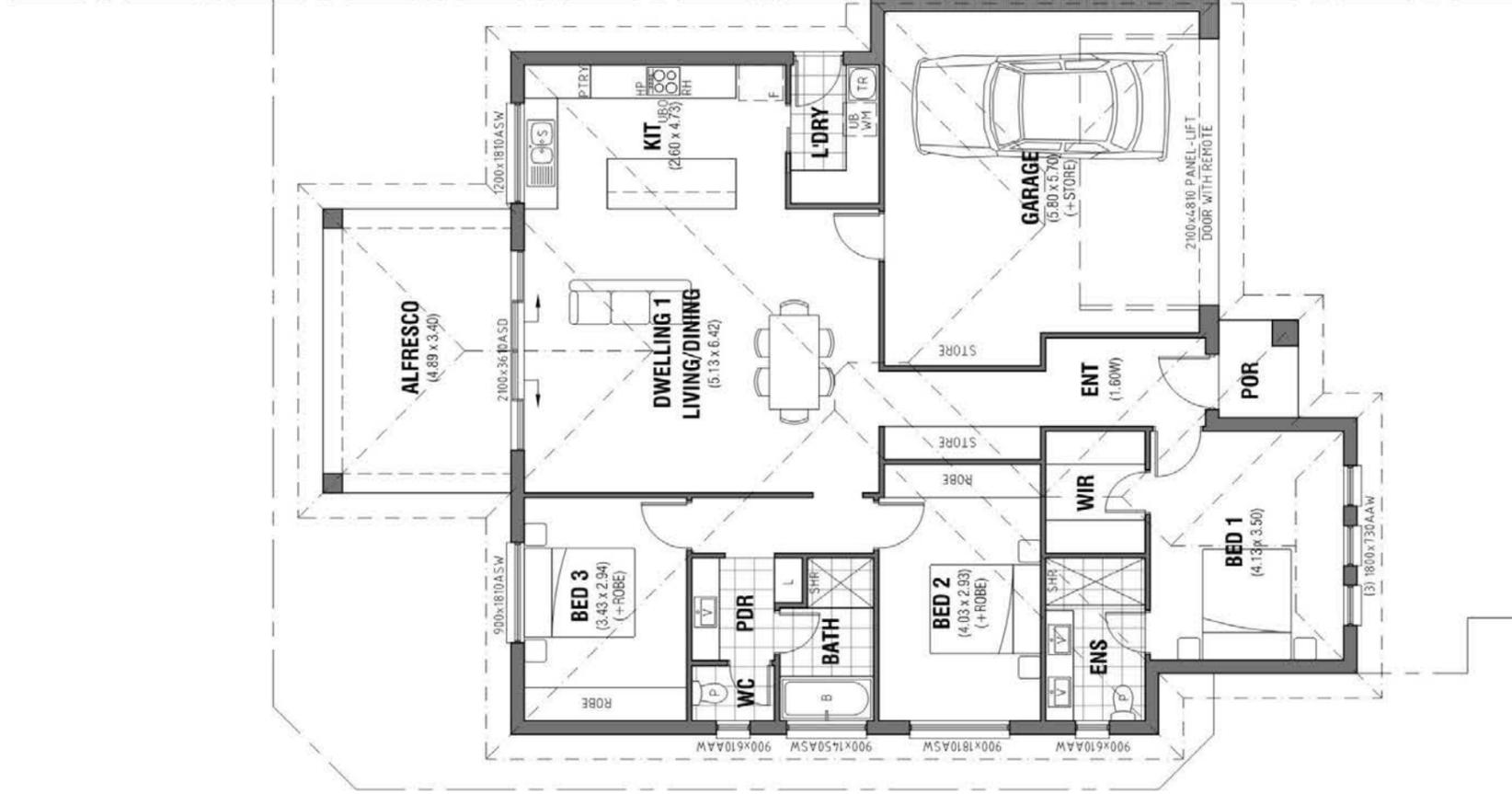
**DAILY STREET DEVELOPMENT**

project	DAILY STREET DEVELOPMENT	date	MAY 2017	drawn by	LD
at	51 DALY STREET STREET KURRALTA PARK SA 5037	scale	1:200	drawing no.	02
client	TONY	project no.	VBD.287	sheet size	A3

# DWELLING 1

**LEGEND:**

- S STAINLESS STEEL SINK
- HP HOT PLATE
- LUBO UNDER BENCH OVEN
- WO WALL OVEN
- RH RANGE HOOD
- DW DISHWASHER
- F REFRIGERATOR
- FR FREEZER
- PTRY PANTRY
- SHR SHOWER
- B BATH
- FSB FREESTANDING BATH
- L LINEN
- WM WASHING MACHINE
- LUBWM UNDER BENCH WASHING MACHINE
- LUBD UNDER BENCH DRYER
- TR TROUGH
- LC LAUNDRY CHUTE
- P TOILET PAN
- V VANITY
- BCH BENCH
- BR BROOM CUPBOARD
- ST STORAGE
- RA ROOF ACCESS 600x600
- SL SKY-LIGHT
- SB SWITCH BOARD
- DP DOWNPIPE
- DPS DOWNPIPE WITH SPREADER
- RH RAIN HEAD
- RWT RAIN WATER TANK
- Ⓢ SMOKE ALARM HARD WIRED IN ACCORDANCE WITH AS3786 AND TO BE INTERCONNECTED WHEN TWO OR MORE SMOKE ALARMS ARE REQUIRED.
- Ⓜ EXHAUST FAN - CEILING MOUNTED DUCTED TO OUTSIDE AIR, CONNECTED TO LIGHT SWITCH OPERATION.
- ⓐ CONTROL JOINTS AS PER ENGINEERS REPORT



**FLOOR PLAN**  
SCALE 1:100

AREAS (D1)	sqm
LIVING	135.78
GARAGE	38.41
ALFRESCO	16.63
PORTICO	2.55
<b>TOTAL</b>	<b>193.37</b>
SITE	308.59
P.O.S.	60.32
SITE COVERAGE	62.77%

<p><b>verrocchi</b> <i>buildingdesign</i></p> <p>128a Moorings Ave North Plympton 5037 m. 0407 820 946 e. dino.verocchi@gmail.com</p>	<p>project: DAILY STREET DEVELOPMENT date: MAY 2017 drawn by: LD</p> <p>at: 51 DALY STREET STREET KURRALTA PARK SA 5037 scale: 1:100 drawing no: 03 project no: sheet no: sheet size: VBD.287 A3</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>10/05</td> <td>CONCEPT DRAWINGS</td> </tr> <tr> <td>B</td> <td>25/05</td> <td>PLANNING DRAWINGS</td> </tr> <tr> <td>C</td> <td>29/05</td> <td>AMENDED AS PER CLIENT'S REQUEST</td> </tr> <tr> <td>D</td> <td>28/08</td> <td>AMENDED AS PER COUNCIL'S REQUEST</td> </tr> </tbody> </table> <p><b>PLANNING DRAWINGS</b></p> <p>Contractors to verify all dimensions prior to commencement of any building work. Figured dimensions shall take preference over scaled dimensions and any discrepancy shall be reported to the designer immediately. These drawings are the property of Veroocchi Building Design. Any reproduction or use without written authority is prohibited. Copyright ©</p>	REV	DATE	DESCRIPTION	A	10/05	CONCEPT DRAWINGS	B	25/05	PLANNING DRAWINGS	C	29/05	AMENDED AS PER CLIENT'S REQUEST	D	28/08	AMENDED AS PER COUNCIL'S REQUEST
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D	28/08	AMENDED AS PER COUNCIL'S REQUEST															

# DWELLINGS 2&3



AREAS (D2)		AREAS (D3)	
sq.m	sq.m	sq.m	sq.m
LIVING	110.10	LIVING	110.19
GARAGE	21.16	GARAGE	19.32
PORTICO	1.57	PORTICO	1.57
<b>TOTAL</b>	<b>132.83</b>	<b>TOTAL</b>	<b>131.08</b>

SITE	205.59	SITE	201.39
P.O.S.	32.26	P.O.S.	31.66
<b>SITE COVERAGE</b>	<b>64.65%</b>	<b>SITE COVERAGE</b>	<b>65.09%</b>



**FLOOR PLAN**  
SCALE 1:100

- LEGEND:**
- S STAINLESS STEEL SINK
  - HP HOT PLATE
  - UBO UNDER BENCH OVEN
  - WO WALL OVEN
  - RH RANGE HOOD
  - DW DISHWASHER
  - F REFRIGERATOR
  - FR FREEZER
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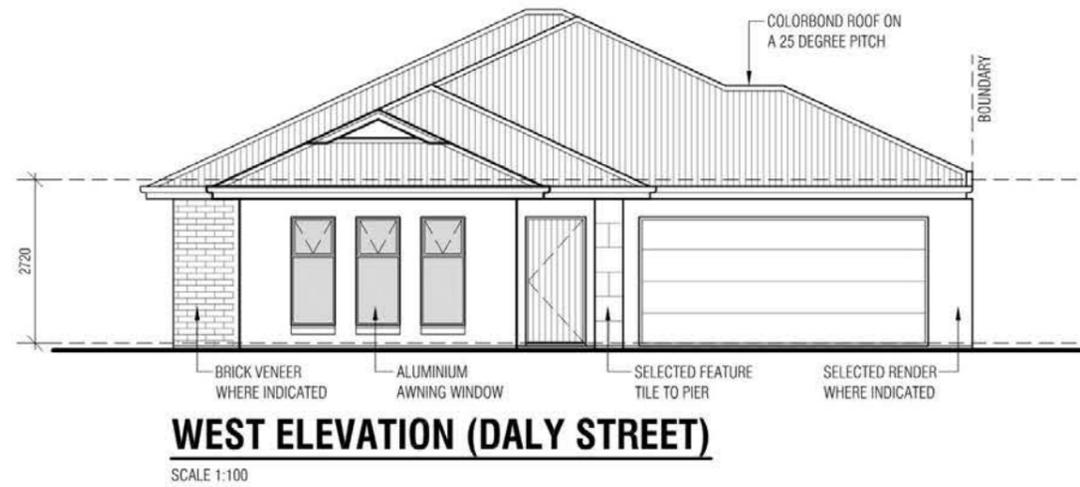
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DAILY STREET DEVELOPMENT		MAY 2017		LD	
at: 51 DALY STREET STREET		scale: 1:100		drawing no: 04	
KURRALTA PARK SA 5037		project no:		sheet size:	
client: TONY		VBD.287		A3	

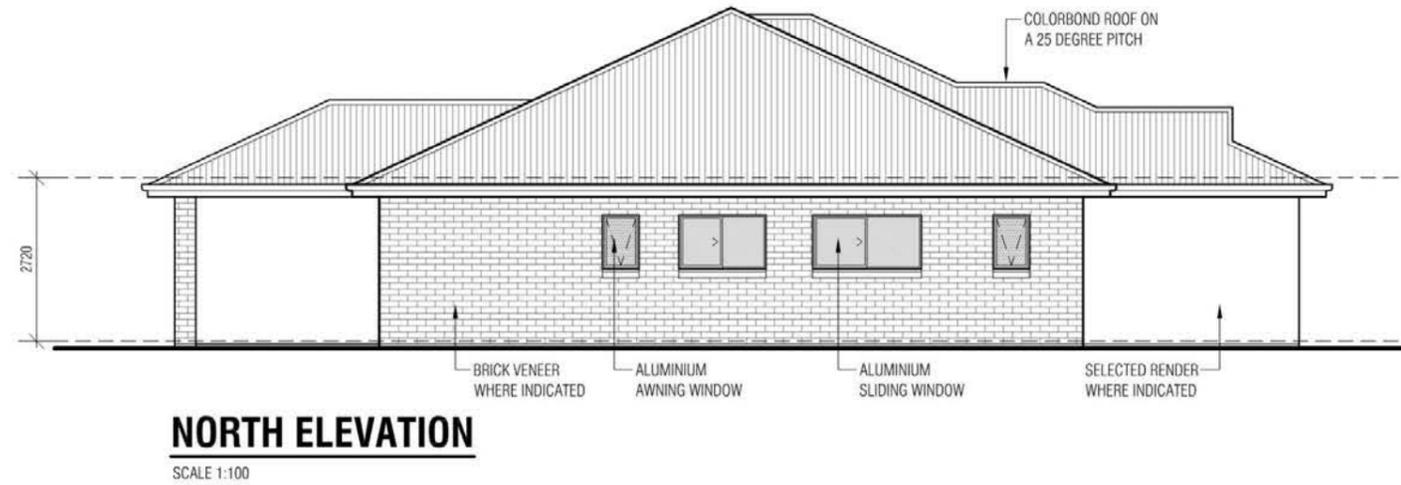
verrocchi building design	
128a Moorings Ave North Plympton 5037	
m. 0407 820 946 e. dino.verocchi@gmail.com	

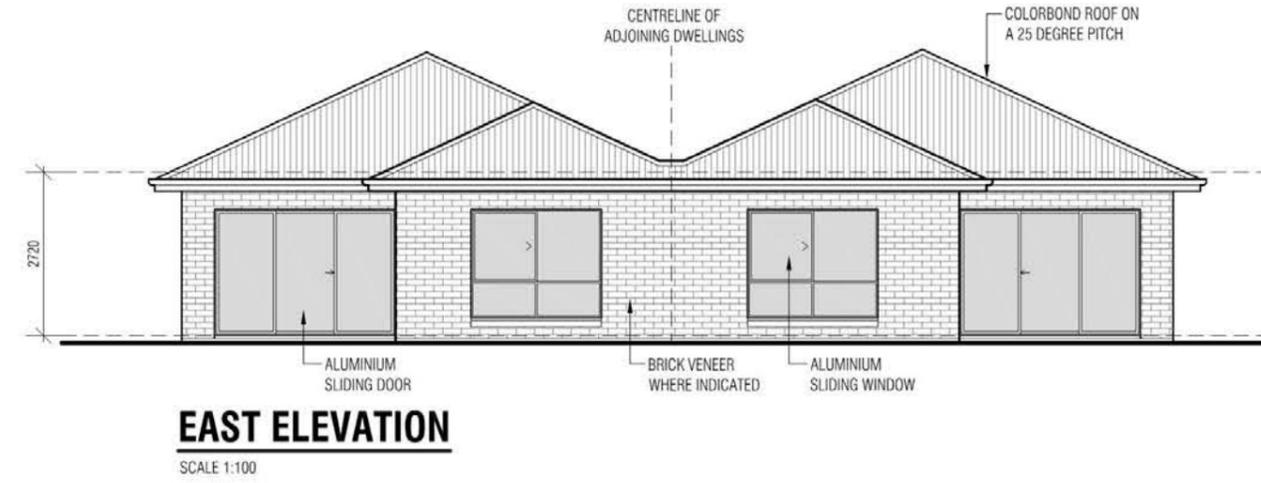
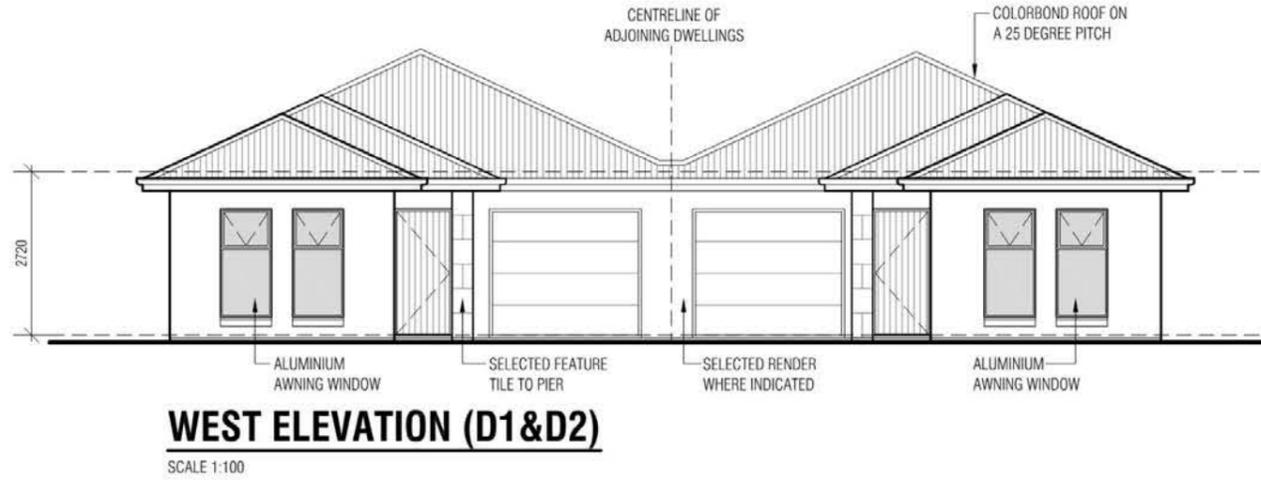
PLANNING DRAWINGS	
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	A	10/5	CONCEPT DRAWINGS			at:	51 DALY STREET STREET KURRALTA PARK SA 5037	scale: 1:100	drawing no: 05
	B	25/5	PLANNING DRAWINGS			project no:	VBD.287	sheet size:	A3
	C	29/5	AMENDED AS PER CLIENT'S REQUEST			client:	TONY		
	D	28/8	AMENDED AS PER COUNCIL'S REQUEST						



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	A	10/5	CONCEPT DRAWINGS			at:	51 DALY STREET STREET KURRALTA PARK SA 5037	scale: 1:100	drawing no: 06
	B	25/5	PLANNING DRAWINGS			project no:	VBD.287	sheet size:	A3
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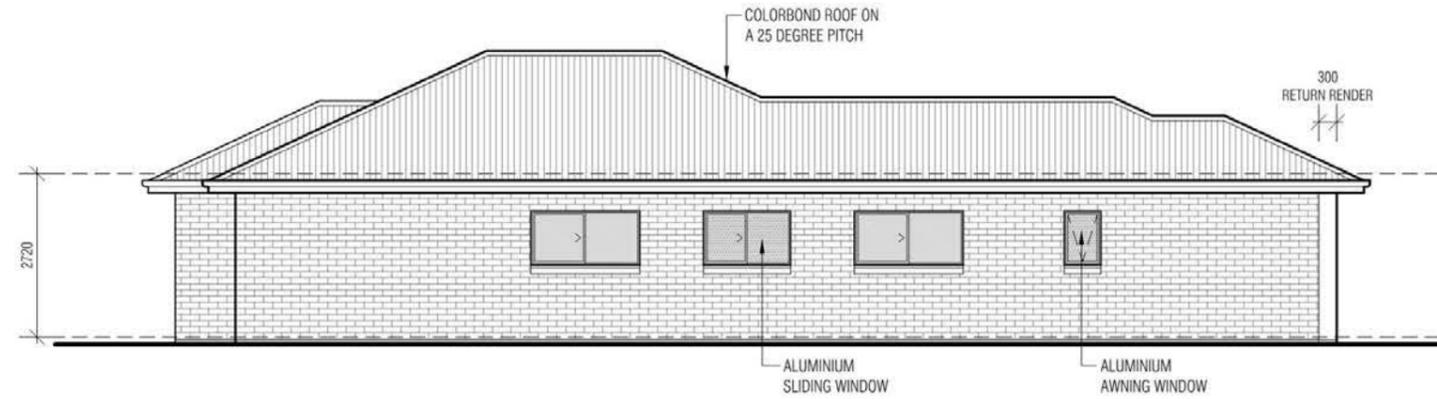
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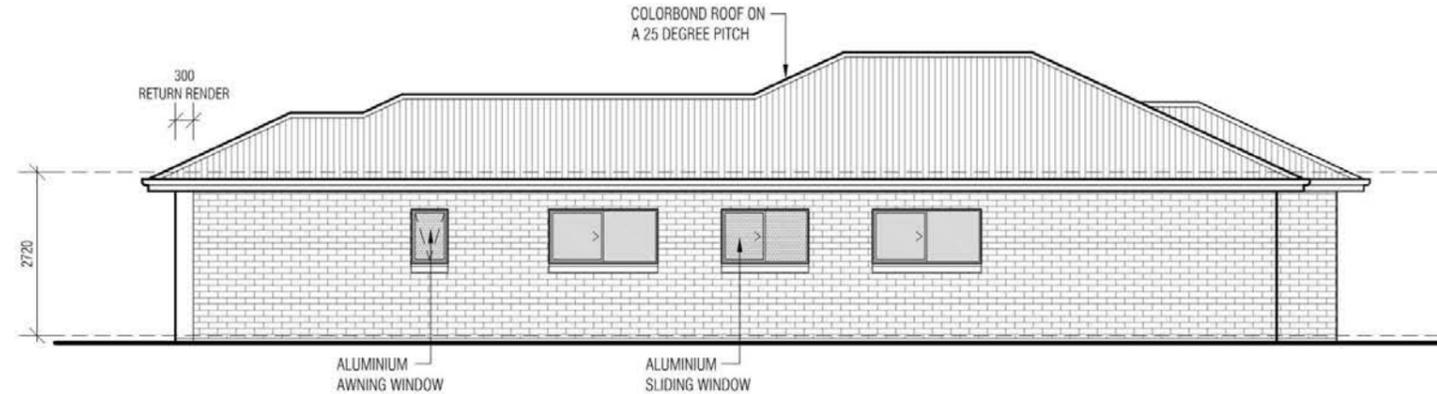
128a Mooringe Ave North Plympton 5037  
m: 0407 820 946 e: dino.verocchi@gmail.com

project:	DALY STREET DEVELOPMENT	date:	MAY 2017	drawn by:	LD
at:	51 DALY STREET STREET KURRALTA PARK SA 5037	scale:	1:100	drawing no.:	07
client:	TONY	project no.:	VBD.287	sheet size:	A3



**NORTH ELEVATION (D2)**

SCALE 1:100



**SOUTH ELEVATION (D3)**

SCALE 1:100

<p>Contractors to verify all dimensions prior to commencement of any building work. Figured dimensions shall take preference over scaled dimensions and any discrepancy shall be reported to the designer immediately. These drawings are the exclusive property of Verrocchi Building Design. Any reproduction without written authority is prohibited. Copyright ©</p> <p><b>PLANNING DRAWINGS</b></p>	rev	date	description	notes	<p><b>verrocchi</b>buildingdesign</p> <p>128a Mooringe Ave North Plympton 5037 m: 0407 820 946 e: dino.verocchi@gmail.com</p>	<p>project: DALY STREET DEVELOPMENT</p> <p>at: 51 DALY STREET STREET KURRALTA PARK SA 5037</p> <p>client: TONY</p>	<p>date: MAY 2017</p> <p>scale: 1:100</p> <p>project no: VBD.287</p>	<p>drawn by: LD</p> <p>drawing no: 08</p> <p>sheet size: A3</p>
	A	10/5	CONCEPT DRAWINGS					
	B	25/5	PLANNING DRAWINGS					
	C	29/5	AMENDED AS PER CLIENT'S REQUEST					
	D	28/8	AMENDED AS PER COUNCIL'S REQUEST					

**6.3 36 Stanley Street, Plympton**

Application No 211/975/2017

**DEVELOPMENT APPLICATION DETAILS**

DEVELOPMENT PROPOSAL	Land division - Torrens Title; SCAP No. 211/D140/17 (Unique ID 59006); Create one (1) additional allotment
APPLICANT	Joe and Sina Capurso
APPLICATION NO	211/975/2017
LODGEMENT DATE	08 August 2017
ZONE	Residential Zone
POLICY AREA	Medium Density Policy Area 18
APPLICATION TYPE	Merit
PUBLIC NOTIFICATION	Category 1
REFERRALS	Internal <ul style="list-style-type: none"> <li>▪ Nil</li> </ul> External <ul style="list-style-type: none"> <li>▪ DAC</li> <li>▪ SA Water</li> </ul>
DEVELOPMENT PLAN VERSION	30 May 2017
MEETING DATE	10 October 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. 211/975/2017 by Joe and Sina Capurso to undertake a Torrens Titled 1 into 2 land division at 36 Stanley Street, Plympton (CT5412/236) subject to the following conditions:

**Council Conditions**

1. Development is to take place in accordance with the plans prepared by Mattsson and Martyn Surveying and Planning Consultants relating to Development Application No. 211/975/17 (SCAP 211/D140/17).
2. That prior to the issue of Section 51 Clearance to this division approved herein, all existing structures shall be removed from the proposed allotments.

**DAC Conditions**

1. 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.

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

2. Payment of \$6,830 into the Planning and Development Fund (1 allotment(s) @ \$6,830/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell 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 Planning Commission for Land Division Certificate purposes.
- 

## BACKGROUND

The development proposal is presented to the Council Assessment Panel (CAP) for the following reason:

- With regard to residential development and land division applications, where all proposed allotments and or sites fail to meet, nor are within 5% of, the minimum frontage widths and site areas designated in respective zones and policy areas within the West Torrens Council Development Plan.

## PREVIOUS OR RELATED APPLICATION

DA 211/569/2017      Demolition of single storey detached dwelling and construction of two semi-detached dwellings

## SITE AND LOCALITY

The land is regular in shape and located on the southern side of Stanley Street in the suburb of Plympton. With a frontage of 16.15m and a depth of 45.72m, the overall area of the land is 792m<sup>2</sup>.

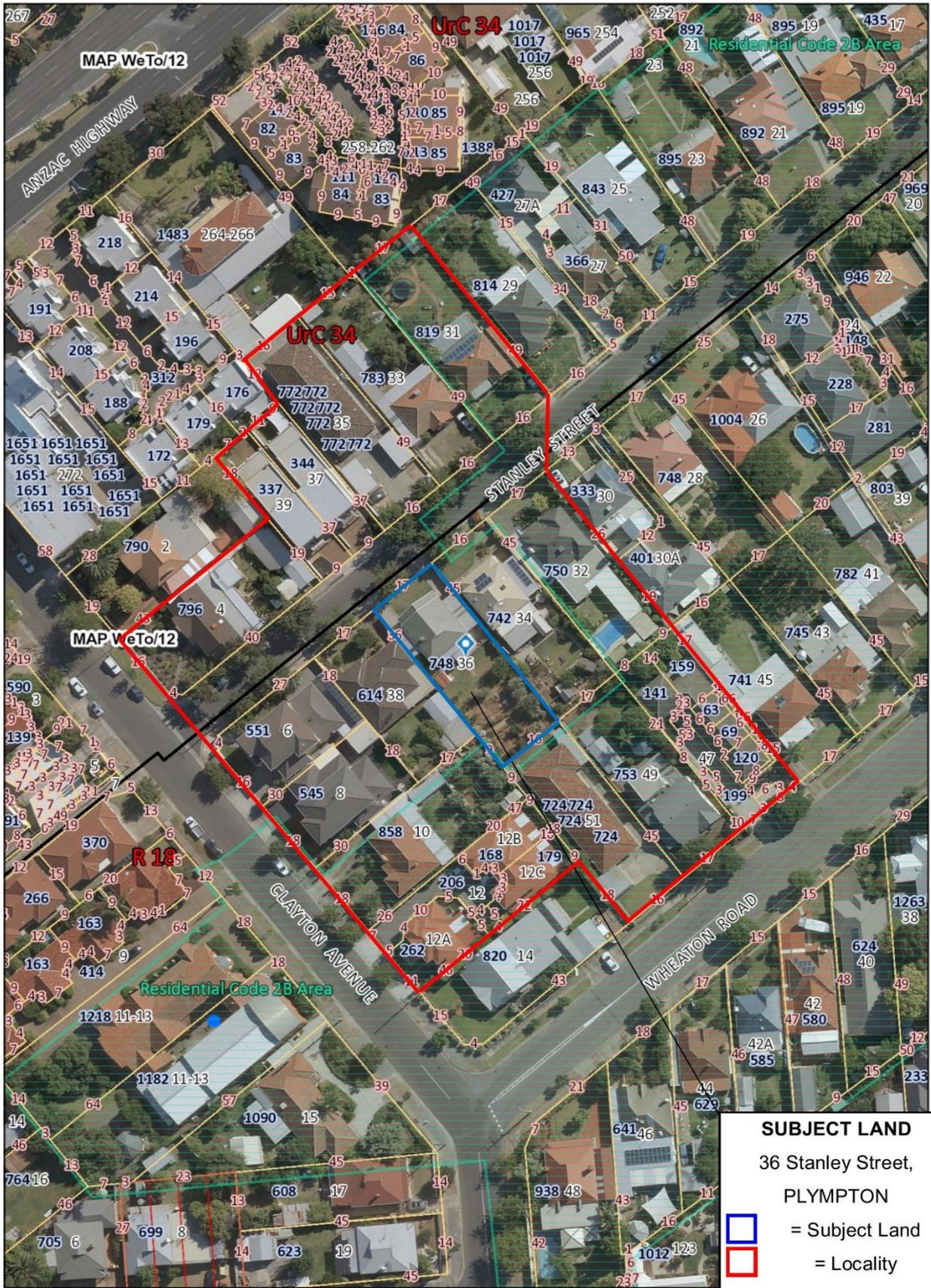
There is currently a single storey detached dwelling, two carports and a verandah on the land. There is one carport on each side of the dwelling, each of which is serviced by its own crossover.

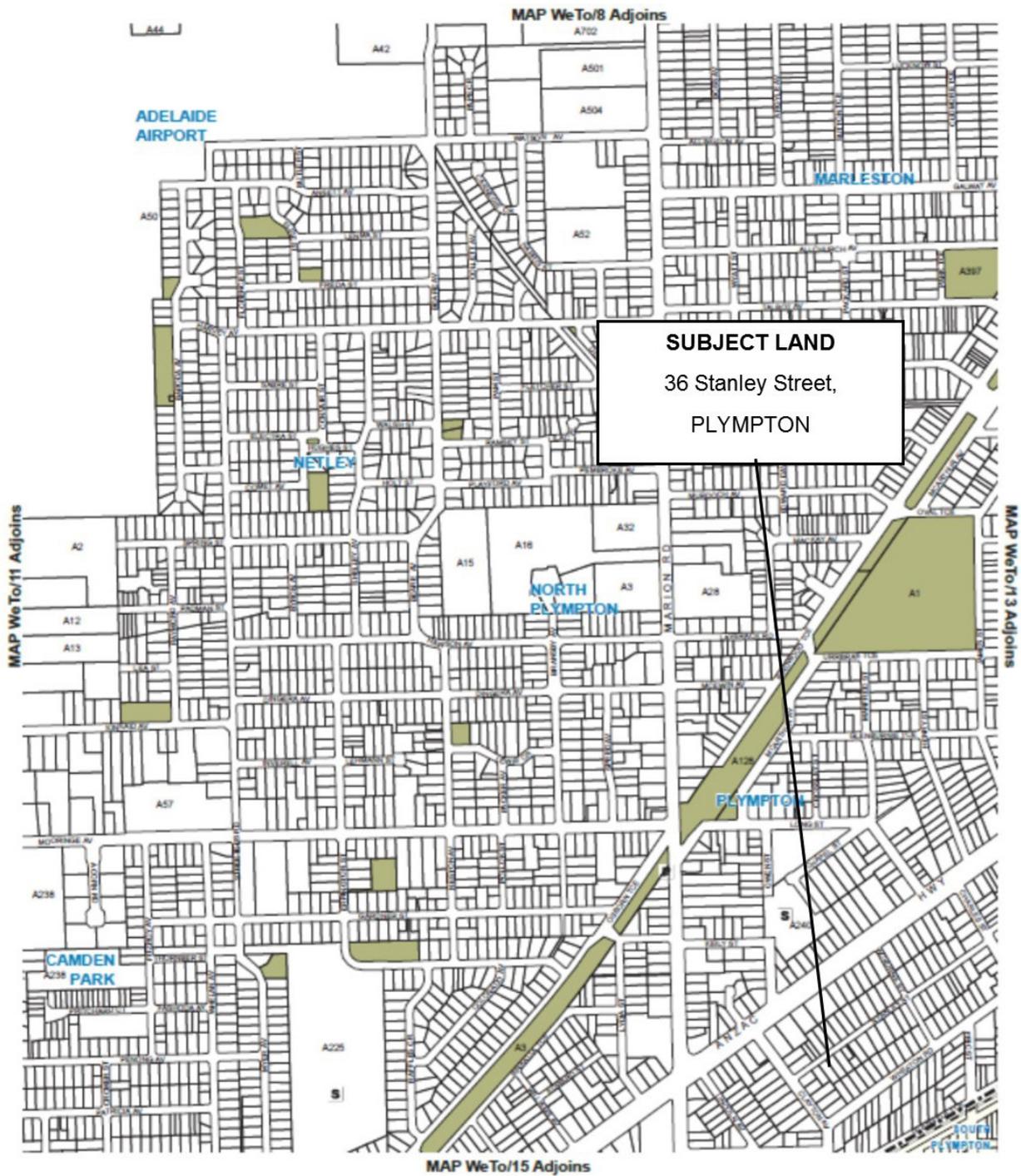
The allotment is flat and informally landscaped with grass, trees and shrubs. There is a mature street tree centrally located in front of the subject site and there is a stobie pole adjacent the northern most driveway.

The locality is residential in nature comprised of a mixture of detached, semi-detached and residential flat buildings.

There is a mix of single and two storey dwellings in the locality, with most of the newer dwellings being two storey.

Overall it is considered that the prevailing character of the locality provides a medium level of amenity for its residents.





- School
- Post Office
- Railways
- Local Reserves
- Development Plan Boundary

# Location Map WeTo/12

WEST TORRENS COUNCIL  
Consolidated - 30 May 2017

## PROPOSAL

It is considered that the proposal is best described as follows:

*Land division - Torrens Title; DAC No. 211/D140/17 (Unique ID 59006); creating one (1) additional allotment*

Each of the new allotments will have an area of 369m<sup>2</sup> and a depth of 45.72m, however, there is a slight difference in frontage width between them. Lot 261 will have a frontage of 8.07m and Lot 260 will have a frontage of 8.08m.

The division has been created with a party wall easement along the shared boundary for 34.91m. This reflects the separate built form proposal seeking approval for two semi-detached dwellings.

## REFERRALS

### Internal

No internal referrals were required because the subject site is not within a flood prone area and has two existing crossovers.

### External

Pursuant to Section 38 and Regulations 29 of the Development Act and Regulations, the application was referred to:

- SPC

No concerns were raised and only the standard conditions were imposed.

- SA Water

No concerns were raised and only the standard conditions were imposed.

## ASSESSMENT

The subject land is located within the Residential Zone specifically Medium Density Policy Area 18 as described in the West Torrens Council Development Plan. The main provisions of the Development Plan which relate to the proposed development are as follows:

<u>General Section</u>		
<i>Design and Appearance</i>	<i>Objectives</i>	1 & 2
	<i>Principles of Development Control</i>	1, 2, 3, 4, 12, 13, 14, 15, 16, 20, 21 & 22
<i>Energy Efficiency</i>	<i>Objectives</i>	1
	<i>Principles of Development Control</i>	1 & 2
<i>Land Division</i>	<i>Objectives</i>	1, 2, 3 & 4
	<i>Principles of Development Control</i>	1, 2, 4, 5, 6, 8, 9, 10, 11 & 12
<i>Orderly and Sustainable Development</i>	<i>Objectives</i>	1, 2, 3, 4 & 5
	<i>Principles of Development Control</i>	1, 3, 7 & 8
<i>Residential Development</i>	<i>Objectives</i>	1, 2 & 4
	<i>Principles of Development Control</i>	1, 10, 23, 24, 25, 26, 30, 31, 44 & 45
<i>Transportation and Access</i>	<i>Objectives</i>	2
	<i>Principles of Development Control</i>	1, 10, 23, 24, 25, 26, 30, 31, 4 & 45

<b>Zone: Residential Zone</b>	
<i>Desired Character Statement:</i>	
<p><i>This zone will contain predominantly residential development. There may also be some small-scale non-residential activities such as offices, shops, consulting rooms and educational establishments in certain locations. Non-residential activities will be complementary to surrounding dwellings.</i></p> <p><i>Allotments will be at very low, low and medium densities to provide a diversity of housing options in different parts of the zone. The range of allotment sizes will support the desired dwelling types anticipated in each policy area, and the minimum allotment sizes shall be treated as such in order to achieve the Desired Character for each policy area and, in turn, reinforce distinction between policy areas. Row dwellings and residential flat buildings will be common near centres and in policy areas where the desired density is higher, in contrast to the predominance of detached dwellings in policy areas where the distinct established character is identified for protection and enhancement. There will also be potential for semi-detached dwellings and group dwellings in other policy areas.</i></p> <p><i>Residential development in the form of a multiple dwelling, residential flat building or group dwelling will not be undertaken in a <b>Historic Conservation Area</b>.</i></p> <p><i>Landscaping will be provided throughout the zone to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
<i>Objectives</i>	2 & 4
<i>Principles of Development Control</i>	1, 5 & 22

<b>Policy Area: Medium Density Policy Area 18</b>	
<i>Desired Character Statement:</i>	
<p><i>Allotments in this policy area will be at medium density, accommodating a range of dwelling types including residential flat buildings, row dwellings, group dwellings, semi-detached dwellings and some detached dwellings on small allotments. Allotment amalgamation to create larger development sites will occur to maximise the density of development while also achieving integrated design outcomes, particularly within a comfortable walking distance of centre zones. Vehicle access will occur from side streets and new rear public and private laneways wherever possible, also supporting the retention of existing street trees.</i></p> <p><i>New buildings will contribute to a highly varied streetscape. Buildings will be up to 3 storeys and provide a strong presence to streets, other than in the part of the policy area in Underdale, Ashford (other than allotments adjacent to <b>Residential Character Ashford Policy Area 22</b>) and allotments bounded by Anzac Highway, Morphett Road and Cromer Street in Camden Park where buildings will be up to 4 storeys. Parking areas and garages will be located behind the front facade of buildings.</i></p> <p><i>Buildings on the edge of the policy area which adjoin residential policy areas at lower densities will pay particular attention to managing the interface with adjoining dwellings, especially in terms of the appearance of building height and bulk, and overshadowing.</i></p> <p><i>Development will be interspersed with landscaping, particularly behind the main road frontage, to enhance the appearance of buildings from the street as viewed by pedestrians, provide an appropriate transition between the public and private realm and reduce heat loads in summer.</i></p>	
<i>Objectives</i>	1
<i>Principles of Development Control</i>	1, 4 & 8

## QUANTITATIVE ASSESSMENT

The proposal is assessed for consistency with the prescriptive requirements of the Development Plan as outlined in the table below:

<b>DEVELOPMENT PLAN PROVISIONS</b>	<b>STANDARD</b>	<b>ASSESSMENT</b>
SITE AREA Medium Density Policy Area 18 PDC 6 & 8	250m <sup>2</sup>	Lot 260 = 369m <sup>2</sup> Lot 261 = 369m <sup>2</sup>  <b>Satisfies</b>
SITE FRONTAGE Medium Density Policy Area 18 PDC 6 & 8	9m	Lot 260 = 8.08m Lot 261 = 8.07m  <b>Do Not Satisfy by 10%</b>

## QUALITATIVE ASSESSMENT

In assessing the merits or otherwise of the application, the proposed development satisfies the relevant Development Plan provisions with the exception of the following, as discussed under the following sub heading:

### Frontage

The frontage of the proposed allotments is below the minimum stated in the policy area. The minimum frontage for detached and semi-detached dwellings should be 9m, however, the proposed allotments will have frontages of 8.08m and 8.07m, respectively.

This deficiency is not considered fatal to the application as the site is located in a Medium Density Policy Area that actively encourages a range of allotment sizes and dwelling types. This includes narrow built form such as row dwellings that can have allotments with a frontage of 5m. As these narrow allotment widths are supportable within the zone and are narrower than what is proposed as part of this application, it is considered that the proposal will not have a detrimental impact on the existing or desired character of the locality.

The Medium Density Policy Area 18 also supports residential flat buildings, which often have dwellings with no direct frontage to the street. In comparison to this type of development, it is considered that the proposed allotments are more consistent with the prevailing allotment character in the locality as they are rectangular in shape and have direct frontage to a public road.

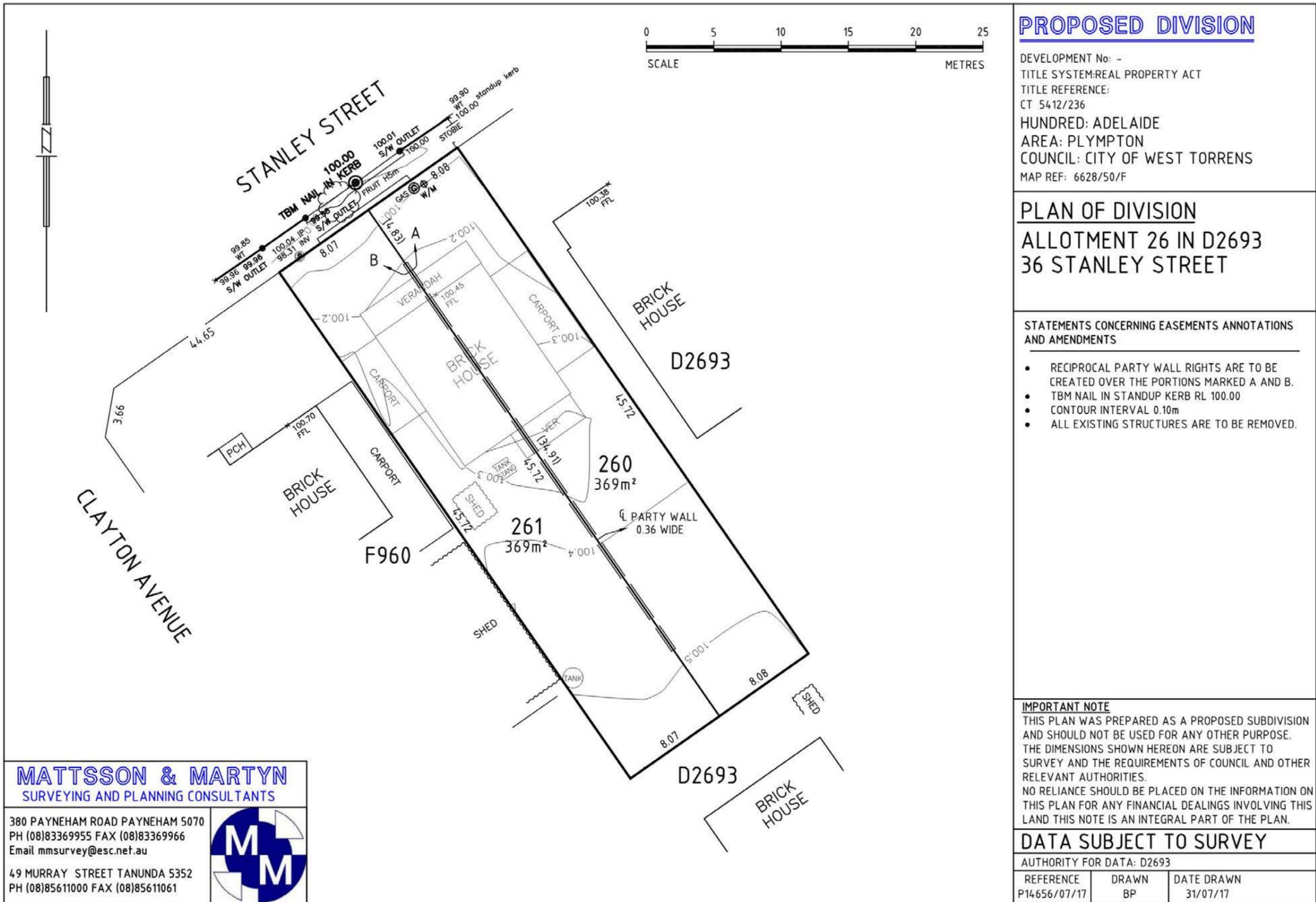
**SUMMARY**

This is a reasonable development that is generally envisaged within the Zone and Policy Area. The shortfall in frontage width is considered minor and will not have a detrimental impact on the ability for the allotment to accommodate reasonable built form.

Having considered all the relevant Objectives and Principles of the Development Plan, the proposal is considered to be not seriously at variance with the Development Plan.

On balance the proposed development sufficiently accords with the relevant provisions contained within the West Torrens Council Development Plan Consolidated 30 May 2017 and warrants Development Plan Consent.

**Attachments****1. Plan of Division**



## 7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

### 7.1 30 Arthur Street, Richmond

**Application No.** 211/1472/2016

#### **Reason for Confidentiality**

It is recommended that this Report be considered in CONFIDENCE in accordance with Section 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.

**8 SUMMARY OF COURT APPEALS**

Nil

**9 MEETING CLOSE**