

CITY OF WEST TORRENS



MINUTES

of the

COUNCIL ASSESSMENT PANEL

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

on

TUESDAY, 10 OCTOBER 2017
at 5.00pm

Angelo Catinari
Assessment Manager

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1 MEETING OPENED

The Presiding Member declared the meeting open at 5.02pm.

1.1 Evacuation Procedure

The evacuation procedures were read out to the gallery by the Presiding Member.

2 PRESENT

Panel Members:

Dr D Ferretti (Independent Presiding Member)

Councillor: Mr G Nitschke

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

Officers:

Mr T Buss (Chief Executive Officer)

Ms H Bateman (Manager City Development - Acting)

Mr J Leverington (Senior Development Officer)

Ms E Morgan (EA Urban Services - Minute Secretary)

3 APOLOGIES

Officers:

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

RECOMMENDATION

That the apologies be received.

COUNCIL ASSESSMENT PANEL DECISION

Moved: W Stokes

Seconded: G Nitschke

That the recommendation be adopted.

CARRIED

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.

COUNCIL ASSESSMENT PANEL DECISION

Moved: G Nitschke

Seconded: J Strange

That the recommendation be adopted.

CARRIED

5 DISCLOSURE STATEMENTS

Nil

6 REPORTS OF THE ASSESSMENT MANAGER

MOTION

Moved: G Nitschke

Seconded: C Dunn

That Item 6.2 - 26 Huntington Avenue, Fulham and Item 6.3 - 36 Stanley Street, Plympton, be brought forward for consideration prior to Item 6.1 - Council Assessment Panel Operational Requirements.

CARRIED

6.2 51 Daly Street, Kurralta Park (Brought Forward for Consideration at this Point of the Meeting)

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

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 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.

MOTION

Moved: J Strange

Seconded: G Nitschke

That the Applicant's name be changed from ZhiHeng Qu to B Sredojevic in the Development Application Details table in the Agenda and Recommendation 1 & 2 and that the Lodgement Date be changed from 24 March 2017 to 16 June 2017 in the Development Application Details table in the Agenda.

CARRIED

COUNCIL ASSESSMENT PANEL DECISION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent and Land Division Consent for Application No. 211/693/2017 by B Sredojevic 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 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 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.

COUNCIL ASSESSMENT PANEL DECISION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent and Land Division Consent for Application No. 211/699/2017 by B Sredojevic 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 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.

6.3 36 Stanley Street, Plympton (Brought Forward for Consideration at this Point of the Meeting)

Application No 211/975/2017

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 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.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.1 Council Assessment Panel Operational Requirements

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 *Code of Conduct for Assessment Panel Members* be noted.
4. The *Council Assessment Panel - Terms of Reference* be noted.

COUNCIL ASSESSMENT PANEL DECISION

Moved: J Strange

Seconded: G Nitschke

That:

1. It appoints C Dunn 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 *Procedures at Council Assessment Panel Meetings* be adopted.
3. The Mandatory *Code of Conduct for Assessment Panel Members* be noted.
4. The *Council Assessment Panel - Terms of Reference* be noted.
5. That a further report be presented to the next Council Assessment Panel meeting including a revised *Procedures at Council Assessment Panel Meetings* to include additional procedures relating to the declaration of a conflict of interest and that representors have no right of reply.

CARRIED

6.2 51 Daly Street, Kurralta Park

This item was considered prior to Item 6.1 - Council Assessment Panel Operational Requirements.

6.3 36 Stanley Street, Plympton

This item was considered prior to Item 6.1 - Council Assessment Panel Operational Requirements.

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.

COUNCIL ASSESSMENT PANEL DECISION

Moved: G Nitschke

Seconded: C Dunn

That the recommendation be adopted.

CARRIED

5.09pm the meeting moved into Confidence and session commenced.

5.25pm the Confidential session closed and the meeting reopened to the public.

Note: The Confidential minutes are kept separate from this document.

8 SUMMARY OF COURT APPEALS

A verbal update was provided.

9 MEETING CLOSE

The Presiding Member declared the meeting closed at 5.47pm.