

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 DECEMBER 2019**  
**at 5.00pm**

**Donna Ferretti**  
**Assessment Manager**

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## 1 MEETING OPENED

The Presiding Member declared the meeting open at 5.01pm.

### 1.1 Evacuation Procedure

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

## 2 PRESENT

### Panel Members:

Presiding Member: Ms C Dunn  
Council Member: Ms J Wood  
Independent Members: Ms J Strange, Mr B Russ, Mr M Arman

### Officers:

Mr Angelo Catinari (General Manager Urban Services)  
Dr Donna Ferretti (Assessment Manager)  
Ms Hannah Bateman (Manager City Development)  
Ms Rachel Knuckey (Team Leader Planning)  
Mr Phil Smith (Senior Development Officer - Planning)  
Ms Sonia Gallarello (Development Officer - Planning)  
Ms Amelia DeRuvo (Development Officer - Planning)

## 3 APOLOGIES

Nil

## 4 CONFIRMATION OF MINUTES

### RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 12 November 2019 be confirmed as a true and correct record.

### COUNCIL ASSESSMENT PANEL DECISION

Moved: J Strange  
Seconded: B Russ

That the recommendation be adopted.

**CARRIED**

## 5 DISCLOSURE STATEMENTS

Nil

## 6 REPORTS OF THE ASSESSMENT MANAGER

### 6.1 411-415 Anzac Highway CAMDEN PARK

Application No 211/437/2019

Appearing before the Panel was:

**Representors:** Caroline Bleach and Tina Hall of 407 Anzac Highway Camden Park appeared in support of the representation.

Steven Dennis of 18 Creslin Terrace Camden Park appeared in support of the representation.

**Applicant:** Chris Vounasis of Future Urban Group appeared to respond to the representations.

### RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report, the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* resolves to GRANT Development Plan Consent for Application No. 211/437/2019 by Junction Australia to undertake the construction of two residential flat buildings, containing 39 apartments, twelve two-storey group dwellings and three row dwellings at 411-415 Anzac Highway, Camden Park (CTs 5606/197 and 5420/162) subject to the following conditions of consent and reserved matter:

#### Reserved Matters:

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

1. A Land Management Agreement, be prepared and lodged in accordance with s57(1) of the Development Act at the applicant's expense, that will bind the applicant (Junction Australia) and the subject site in relation to this development with the South Australian Housing Trust. The agreement will be registered on the Certificate of Title, Volume 5606 Folio 197 in accordance with any and all requirements laid out by and to the satisfaction of the South Australian Housing Trust.

*Reason: To ensure that the development proceeds in an orderly manner.*

2. Details of acoustic treatments for the development in accordance with the *Minister's Specification SA 78B - Construction requirements for the control of external sound* are to be provided to Council prior to Development Approval being granted to demonstrate that the occupants of the dwellings will have an acceptable level of amenity. The details shall highlight but not be limited to insulation, double glazing, plant equipment screening and any other requirements deemed necessary to mitigate noise impacts.

*Reason: To ensure that the development proceeds in an orderly manner.*

3. A Construction Environmental Management Plan shall be prepared and submitted to Council prior to the commencement of construction on the land. The plan shall provide for:
  - a) Establishment of a controlled washing zone located on a hard surface at each entry/exit point to the site.
  - b) Containment of water run-off within the site for filtering and cleaning before being discharged into the stormwater system.

- c) Reduction of the potential for dust and other airborne particles by the use of water sprinklers or other means.
- d) Establishment of a compound on the site for storage of waste materials and litter. The compound must be covered to prevent litter from being blown away; and
- e) Correct positioning of all mechanical equipment to minimise the potential for noise pollution. The maximum noise level shall not exceed 45db(A) between the hours of 8.00pm until 8.00am the following morning and from 8.00pm Saturday until 9.00am on the following Sunday morning.

*Reason: To ensure that the development proceeds in an orderly manner.*

#### **Development Plan Consent Conditions:**

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application except where varied by any conditions listed below.

*Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.*

2. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage will not at any time:
  - a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; or
  - e) Flow across footpaths or public ways.

*Reason: To ensure that adequate provision is made for the collection and dispersal of stormwater.*

3. That all driveways, parking and manoeuvring areas shall be formed, surfaced with concrete, bitumen or paving, and be properly drained prior to occupation, and shall be maintained in reasonable condition at all times.

*Reason: To provide safe and convenient parking and manoeuvring areas for users of the development.*

4. That all landscaping shall be planted in accordance with the approved plans at the first available planting season. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.

A watering system shall be installed at the time landscaping is established and thereafter maintained and operated so that all plants receive sufficient water to ensure their survival and growth.

*Reason: To enhance the amenity of the site and locality and mitigate against heat loading.*

5. That the upper level side and rear windows of the row dwellings fronting Clifton Street shall be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows shall be maintained in reasonable condition at all times.

*Reason: To minimise the impact on privacy to residents of adjoining dwellings.*

6. Any lights on the subject land must be directed and screened so that overspill of light into the nearby premises is avoided and minimal impact on passing motorists occurs.  
*Reason: To ensure that the proposed lighting does not cause undue disturbance, annoyance or inconvenience to adjoining landowners and motorists.*
7. Driveways, parking and manoeuvring areas and footpaths shall be lit in accordance with the Australian Standards Association Code AS 1158 during the hours of darkness that they are in use. Such lights must be directed and screened so that overspill of light into nearby premises is avoided and minimal impact on passing motorists occurs.  
*Reason: To ensure that the proposed lighting does not cause undue disturbance, annoyance or inconvenience to adjoining landowners and motorists.*
8. Directional signage shall be placed throughout the site to reinforce 'one-way vehicular movement only' within the private road.  
*Reason: To provide safe and convenient access for users of the development.*

### **Conditions required by the Department of Planning, Transport and Infrastructure**

9. All vehicular access shall be in general accordance with Hames Sharley Site Plan (Project Number: 31676, Drawing Number: SD0102, Revision E dated 16 November 2018) and Figures 5.1 and 5.2 in the Traffic Impact Assessment prepared by GTA Consultants (Reference S168630, Issue A dated 3 May 2019).  
*Reason: To satisfy the requirements of the Department of Planning, Transport and Infrastructure.*
10. All vehicles using the one-way laneway shall enter from Anzac Highway and exit via Clifton Street in a forward direction. The entry and exit points and internal one-way laneway shall be signed and linemarked to reinforce the one-way traffic flow.  
*Reason: To satisfy the requirements of the Department of Planning, Transport and Infrastructure.*
11. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. Additionally, clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.  
*Reason: To satisfy the requirements of the Department of Planning, Transport and Infrastructure.*
12. Any redundant crossover/s shall be closed and reinstated to Council's satisfaction at the applicant's cost prior to the development becoming operational.  
*Reason: To satisfy the requirements of the Department of Planning, Transport and Infrastructure.*
13. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.  
*Reason: To satisfy the requirements of the Department of Planning, Transport and Infrastructure.*

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

## 6.2 2 Fitch Road, FULHAM

Application No 211/858/2019

### 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 REFUSE Development Plan Consent, for Application No. 211/858/2019 by Rob Bruin to install a shipping container at 2 Fitch Road Fulham (CT 6174/204) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 12 July 2018:

- General Section: Design and Appearance, Objective 1 and Principle of Development Control 1  
*Reason: The development is not of an appropriate design standard to reinforce positive aspects of the local environment and built form in terms of external materials and colours, roof form and pitch, façade articulation and detailing.*
- General Section: Design and Appearance, Principle of Development Control 6  
*Reason: The development does not display suitable architectural detailing to give the appearance of a permanent structure.*
- General Section: Orderly and Sustainable Development, Objectives 1, 3 & 4  
*Reason: The development is not to be carried out in an orderly manner.*
- General Section: Orderly and Sustainable Development, Principle of Development Control 1  
*Reason: The development will prejudice the development of the Residential Zone for its intended purpose.*
- General Section: Residential Development, Principles of Development Control 4, 14 & 16  
*Reason: The development is located forward of the dwelling and will dominate the streetscape.*
- Residential Zone, Objective 4  
*Reason: The development does not contribute to the desired character of the zone.*
- Residential Zone, Low Density Policy Area 21, Objective 1  
*Reason: The development does not contribute to the desired character of the zone.*

### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

### 6.3 34 Fulham Park Drive, FULHAM

Application No 211/1077/2019

#### 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 REFUSE Development Plan Consent, Land Division Consent and Development Approval for Application No. 211/1077/2019 by L Condo for a land division - Torrens Title; SCAP No. 211/D114/19; creating one (1) additional allotment at 34 Fulham Park Drive, FULHAM (CT 5670/424) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 12 July 2018:

- Residential Zone: Objective 4 and Principle of Development Control 5.  
*Reason: The proposed plan is at odds with the desired character for the zone and policy area.*
- Low Density Policy Area 21: Objective 1.  
*Reason: The proposed land division is at odds with the desired character of the policy area.*
- Low Density Policy Area 21: Principle of Development Control 6.  
*Reason: The proposed land division creates allotments that do not satisfy the minimum site area and frontage requirements.*

#### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation is not adopted and that Development Plan Consent, Land Division Consent and Development Approval for Application No. 211/1077/2019 by L Condo for a land division - Torrens Title; SCAP No. 211/D114/19; creating one (1) additional allotment at 34 Fulham Park Drive, FULHAM (CT 5670/424) be granted subject to the following conditions of consent:

#### Development Plan Conditions

1. Development is to take place in accordance with the plans prepared by Gilbert Surveyor Pty. Ltd. relating to Development Application No. 211/1077/2019 (SCAP 211/D116/19).  
*Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.*

#### Land Division Conditions

##### Council Requirements:

Nil



**State Commission Assessment Panel Conditions:**

2. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.  
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, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.  
*Reason: To satisfy the requirements of the State Commission Assessment Panel.*
3. Payment of \$7,616 into the Planning and Development Fund (1 allotment(s) @ \$7,616/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 Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.  
*Reason: To satisfy the requirements of the State Commission Assessment Panel.*
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.  
*Reason: To satisfy the requirements of the State Commission Assessment Panel.*

**6.4 13 Norman Street, UNDERDALE**

Application No 211/909/2019

**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 REFUSE Development Plan Consent and Development Approval for Application No. 211/909/2019 by Ali Dost Safi to undertake the removal of two Regulated *Eucalyptus camaldulensis* (River red gum) trees and one Significant *Eucalyptus camaldulensis* (River red gum) tree at 13 Norman Street, Underdale (CT 5470/330).

The proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 12 July 2018:

- General Section, Regulated Trees Objective 1.  
*Reason: The tree provides important aesthetic and environmental benefit.*
- General Section, Regulated Trees Objective 2(a)(b)(d).  
*Reason: The tree significantly contributes to the character and visual amenity of the locality, is indigenous to South Australia and the local area and provides an important habitat for native fauna.*

- General Section, Regulated Trees PDC 2(a)(b)(c)(d).  
*Reason: The tree is not diseased and its life expectancy is not short, does not represent a material risk to public or private safety, is not currently causing damage to a building and is not preventing reasonable development of the site.*
- General Section, Significant Trees Objective 1.  
*Reason: The tree provides important aesthetic and environmental benefits.*
- General Section, Significant Trees Objective 2.  
*Reason: The tree is not preventing appropriate development on the site.*
- General Section, Significant Trees PDC 1(a)(c)(e)(f).  
*Reason: The tree makes an important contribution to the character and amenity of the local area, provides an important habitat for native fauna, is important to the maintenance of biodiversity in the local environment and forms a notable visual element to the landscape of the local area.*
- General Section, Significant Trees PDC 3(a)(b)(c)(d)(e).  
*Reason: The tree is not diseased, its life expectancy is not short, it does not represent an unacceptable risk to public or private safety, is not currently causing or threatening to cause substantial damage to a substantial building or structure of value, it is not preventing appropriate development on the site and reasonable alternative remediation options are available.*

## **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

### **6.5 9 Speed Avenue, NORTH PLYMPTON**

Application No 211/125/2019

#### **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 REFUSE Development Plan Consent and Development Approval for Application No. 211/125/2019 by Blake Horder to undertake the removal of two (2) significant trees - *Eucalyptus Camaldulensis* (River Red Gum) at 9 Speed Avenue, North Plympton (CT 5922/813).

The proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 12 July 2018:

- General Section, Regulated Trees Objective 1.  
*Reason: The tree provides important aesthetic and environmental benefit.*
- General Section, Regulated Trees Objective 2(a)(b)(d).  
*Reason: The tree significantly contributes to the character and visual amenity of the locality, is indigenous to South Australia and the local area and provides an important habitat for native fauna.*

- General Section, Regulated Trees PDC 2(a)(b)(c)(d).  
*Reason: The tree is not diseased and its life expectancy is not short, does not represent a material risk to public or private safety, is not currently causing damage to a building and is not preventing reasonable development of the site.*
- General Section, Significant Trees Objective 1.  
*Reason: The tree provides important aesthetic and environmental benefits.*
- General Section, Significant Trees Objective 2.  
*Reason: The tree is not preventing appropriate development on the site.*
- General Section, Significant Trees PDC 1(a)(c)(e)(f).  
*Reason: The tree makes an important contribution to the character and amenity of the local area, provides an important habitat for native fauna, is important to the maintenance of biodiversity in the local environment and forms a notable visual element to the landscape of the local area.*
- General Section, Significant Trees PDC 3(a)(b)(c)(d)(e).  
*Reason: The tree is not diseased, its life expectancy is not short, it does not represent an unacceptable risk to public or private safety, is not currently causing or threatening to cause substantial damage to a substantial building or structure of value, it is not preventing appropriate development on the site and reasonable alternative remediation options are available.*

## **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

## **7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER**

Nil

## **8 SUMMARY OF COURT APPEALS**

### **8.1 Summary of ERD Court matters, items determined by SCAP/Minister/Governor and deferred CAP items - December 2019**

This report presents information in relation to:

1. any planning appeals before the Environment, Resources and Development (ERD) Court;
2. any matters being determined by the State Commission Assessment Panel (SCAP);
3. any matters determined by the Minister of Planning (Section 49);
4. any matters determined by the Governor of South Australia (Section 46); and
5. any deferred items previously considered by the Council Assessment Panel.

## **RECOMMENDATION**

The Council Assessment Panel receive and note the information.

## **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

## **9 OTHER BUSINESS**

The Presiding Member thanked Panel Members and Planning staff for their work during the year.

## **10 MEETING CLOSE**

The Presiding Member declared the meeting closed at 6.13pm.