

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 SEPTEMBER 2019**  
**at 5.00pm**

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

## Index

<b>1</b>	<b>Meeting Opened</b> .....	<b>1</b>
	1.1 Evacuation Procedure .....	
<b>2</b>	<b>Present</b> .....	<b>1</b>
<b>3</b>	<b>Apologies</b> .....	<b>1</b>
<b>4</b>	<b>Confirmation of Minutes</b> .....	<b>2</b>
<b>5</b>	<b>Disclosure Statements</b> .....	<b>2</b>
<b>6</b>	<b>Reports of the Assessment Manager</b> .....	<b>2</b>
	6.1 93-101 South Road, THEBARTON .....	2
	6.2 195-197 Sir Donald Bradman Drive, COWANDILLA .....	3
	6.3 28 Montana Drive, NOVAR GARDENS .....	5
	6.4 181 Morphett Road, NORTH PLYMPTON.....	6
	6.5 2 Miranda Avenue, LOCKLEYS .....	6
	6.6 14 Rowells Road, LOCKLEYS .....	7
<b>7</b>	<b>Confidential Reports of the Assessment Manager</b> .....	<b>8</b>
<b>8</b>	<b>Summary of Court Appeals</b> .....	<b>9</b>
	8.1 Summary of ERD Court matters, items determined by SCAP/Minister/Governor and deferred CAP items - September 2019 .....	9
<b>9</b>	<b>Other Business</b> .....	<b>9</b>
<b>10</b>	<b>Meeting Close</b> .....	<b>9</b>

## 1 MEETING OPENED

The Presiding Member declared the meeting open at 5.00pm.

### 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: Mr G Nitschke (as proxy for Ms Jassmine Wood)  
Independent Members: Ms J Strange, Mr B Russ, Mr M Arman

### Officers:

Ms Hannah Bateman (General Manager Urban Services - Acting)  
Dr Donna Ferretti (Assessment Manager)  
Ms Rachel Knuckey (Team Leader Planning)  
Mr Josh Banks (Senior Development Officer - Planning)  
Ms Sonia Gallarello (Development Officer - Planning)  
Ms Amelia DeRuvo (Development Officer - Planning)  
Ms Ebony Cetinich (Development Officer - Planning)

## 3 APOLOGIES

### Apologies

#### Panel Members:

Ms Jassmine Wood

#### Officers:

Mr Terry Buss (Chief Executive Officer)  
Mr Angelo Catinari (General Manager Urban Services)  
Ms Merryn Walton (Manager City Development - Acting)  
Mr Jordan Leverington (Senior Development Officer - Planning)

#### Lateness:

Nil

#### Absent:

Nil

## RECOMMENDATION

That the apologies be received.

## COUNCIL ASSESSMENT PANEL DECISION

Moved: J Strange  
Seconded: M Arman

That the recommendation be adopted.

**CARRIED**

#### 4 CONFIRMATION OF MINUTES

##### RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 13 August 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 93-101 South Road, THEBARTON

Application No 211/86/2019

##### 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 GRANT Development Plan Consent for Application No. 211/86/2019 by M Demourtzidis to undertake Internal alterations and a change of use from showroom to showroom, offices and consulting rooms at 93-101 South Road, Thebarton (CT 6125/308) subject to the concurrence of the State Commission Assessment Panel and the following conditions of consent:

##### Development Plan Consent Conditions

1. The development shall 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. The hours of operation of the development approved herein shall be limited to the following periods:

Showroom:

- 8:30am to 5:00pm - Monday to Friday;
- 9:00am to 2:00pm-Saturday.

Warehouse / Delivery area:

- 7:00am to 5:00pm - Monday to Friday;
- 9:00am to 2:00pm-Saturday.

Tenancy 4 consulting room (Australian Clinic of Biological Medicine):

- 10:00am to 5:00pm -Tuesday to Saturday.

Tenancies 2 and 3

- 8:30am to 5:30pm Monday to Friday

*Reason: To ensure that the development does not unreasonably diminish the amenity of residents of adjoining properties.*

3. Prior to the occupation or use of the development, all car parking spaces shall be line marked in accordance with the approved plans and maintained in a good condition at all times to the reasonable satisfaction of Council.

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

4. The establishment of all landscaping shall occur no later than the next available planting season after substantial completion of the development. Such landscaping shall be maintained in good health and condition to the reasonable satisfaction of Council at all times. Any dead or diseased plants or trees shall be replaced with a suitable species.

*Reason: To provide amenity for the occupants of the development and those of adjacent properties.*

5. 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.*

6. The maximum size of service vehicles accessing the site, including the refuse collection vehicle, shall be limited to a Medium Rigid Vehicle (MRV).

*Reason: To ensure the ongoing use and safety of vehicle parking and manoeuvring areas.*

7. The loading and unloading of goods and merchandise shall be carried out on the subject land and is not permitted to be carried out in the street.

*Reason: To maintain the flow of traffic and ensure the ongoing safety of the street for travellers.*

## **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

### **6.2 195-197 Sir Donald Bradman Drive, COWANDILLA**

Application No 211/1243/2018

#### **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. 211/1243/2018 by Federation Homes to change the use from residential to consulting rooms and internal alterations at 195-197 Sir Donald Bradman Drive (CT 6208/81) subject to the concurrence of the State Commission Assessment Panel and the following conditions of consent:

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

1. The development shall 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. All landscaping shown on the plans forming part of this application shall be established prior to the occupation or use of the development and shall be maintained in good health at all times to the reasonable satisfaction of Council. Any plants that become diseased or die shall be replaced with a suitable species.

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

3. 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.*

4. Prior to the occupation or use of the development, all driveways, parking and vehicle manoeuvring areas shall be constructed and surfaced with concrete, bitumen or paving, and shall be drained and maintained in a good condition at all times to the reasonable satisfaction of Council.

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

5. Prior to the occupation or use of the development, all car parking spaces shall be line marked in accordance with the approved plans and maintained in a good condition at all times to the reasonable satisfaction of Council.

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

6. The hours of operation of the development approved herein shall be limited to 10am to 6pm - Monday to Saturday.

*Reason: To ensure that the development does not unreasonably diminish the amenity of residents of adjoining properties.*

7. The sign approved herein shall be maintained in good repair with all words and symbols being clearly visible at all times to the satisfaction of Council.

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

8. The sign approved herein shall not move, flash, blink or rotate in any manner, and shall not be internally or externally illuminated at any time without the prior approval of Council.

*Reason: To ensure the proposed signage does not cause undue disturbance, annoyance or inconvenience to the general public, adjoining landowners or motorists.*

## **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

### 6.3 28 Montana Drive, NOVAR GARDENS

Application No 211/1239/2018

#### 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. 211/1239/2018 by Budget Built Home Additions to undertake the construction of a carport at 28 Montana Drive, Novar Gardens (CT 5495/331).

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.  
*Reason: The proposal is not of a high design standard and does not respond to or reinforce the positive aspects of built form in the locality.*
- General Section, Design and Appearance Principles of Development Control 20 and 21.  
*Reason: The proposal is not setback so as to contribute positively to the desired character of the locality and does not comply with the average setback of adjacent buildings.*
- General Section, Residential Development Principle of Development Control 16.  
*Reason: The proposal is sited closer to the primary road frontage than its associated dwelling and dominates the streetscape.*
- Residential Zone Principle of Development Control 8.  
*Reason: The proposal is not setback the average of adjacent buildings.*
- Residential Zone Principle of Development Control 5.  
*Reason: The proposal is not consistent with the desired character of the zone and policy area.*
- Novar Gardens Character Policy Area 26 Objective 1 and Principle of Development Control 2.  
*Reason: The proposal is at odds with the Desired Character of the policy area.*

#### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that this item be withdrawn.

#### 6.4 181 Morphett Road, NORTH PLYMPTON

Application No 211/1360/2018

##### 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. 211/1360/2018 by Duncan McGregor to remove a Regulated Eucalyptus Camaldulensis (River Red Gum) at 181 Morphett Road, North Plympton (CT 6126/765) for the following reason:

1. The application is hypothetical as the owner of the tree does not consent to its removal.

##### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

#### 6.5 2 Miranda Avenue, LOCKLEYS

Application No 211/658/2019

##### 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. 211/658/2019 by J Tempest to remove a significant tree - Eucalyptus Camaldulensis (River Red Gum) at 2 Miranda Avenue, Lockleys (CT 5676/251) as 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, Objectives 2(a) & (d).**  
Reason: *The tree contributes significantly to the character and visual amenity of the locality and provides an important habitat for native fauna.*
- **General Section, Regulated Trees, Principle of Development Control 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 and is not currently causing damage to a building.*
- **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 and reasonable alternative remediation options are available.*

## COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

### 6.6 14 Rowells Road, LOCKLEYS

Application No 211/799/2019

#### 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. 211/799/2019 by Dominic Poignand to Removal of a significant tree - *Eucalyptus camaldulensis* (River red gum) at 14 Rowells Road, Lockleys (CT 6187/859) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 12 July 2018:

- **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 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

### 7.1 5 Wainhouse Street, TORRENSVILLE

Application No. 211/1349/2018

#### Reason for Confidentiality

It is recommended that this Report be considered in CONFIDENCE in accordance with regulation 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 must 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

That the recommendation be adopted.

**5.29pm** the meeting moved into Confidence and the confidential session commenced.

**5.38pm** 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**

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

## **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

## **9 OTHER BUSINESS**

Nil

## **10 MEETING CLOSE**

The Presiding Member declared the meeting closed at 5.41pm.