

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, 13 AUGUST 2019
at 5.00pm

Donna Ferretti
Assessment Manager

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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: Ms J Wood
Independent Members: Ms J Strange, Mr B Russ, Mr M Arman

Officers:

Mr Angelo Catinari (Chief Executive Officer - Acting)
Dr Donna Ferretti (Assessment Manager)
Ms Hannah Bateman (Manager City Development)
Mr Jordan Leverington (Senior Development Officer - Planning)
Ms Ebony Cetinich (Development Officer - Planning)
Ms Amelia DeRuvo (Development Officer - Planning)

3 APOLOGIES

Officers:

Mr Terry Buss (Chief Executive Officer)
Ms Rachel Knuckey (Team Leader - Planning)

RECOMMENDATION

That the apologies be received.

COUNCIL ASSESSMENT PANEL DECISION

Moved: J Strange
Seconded: J Wood

That the recommendation be adopted.

CARRIED

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 9 July 2019 be confirmed as a true and correct record.

COUNCIL ASSESSMENT PANEL DECISION

Moved: J Strange

Seconded: M Arman

That the recommendation be adopted.

CARRIED

5 DISCLOSURE STATEMENTS

Nil

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 22 Lindsay Street, CAMDEN PARK

Application No 211/796/2016

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 and Land Division Consent for Application No. 211/796/2016 by Geoff Mathews to undertake a combined application: Land division - Community Title; DAC No. 211/C101/16; Creating two (2) additional allotments; and construction of three, two storey dwellings within a Residential Flat Building at 22 Lindsay Street, Camden Park (CT 5113/207) subject to 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. Prior to the occupation or use of the development, the upper storey windows on the eastern, western and southern elevations of the dwelling shall be fitted with fixed obscure glass (not film coated) or raised sills to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties. The glazing in these windows shall be maintained in good condition at all times to the reasonable satisfaction of Council.
Reason: To minimise the impact on privacy to residents of adjoining dwellings.
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. 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. 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.

6. Prior to the occupation or use of the development, all stormwater design and construction shall be to the satisfaction of Council to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage shall 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 insanitary 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.

Land Division Consent Conditions

7. Payment of \$12,976 into the Planning and Development Fund (2 allotments @ \$6488 / 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 Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

Reason: To satisfy the requirements of the Development Assessment Commission.

8. 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 Development Assessment Commission for Land Division Certificate purposes.

Reason: To satisfy the requirements of the Development Assessment Commission.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.2 16 Strathmore Avenue, LOCKLEYS

Application No 211/499/2019

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. 211/499/2019 by The Galvin Group to undertake the demolition of existing dwelling and masonry fence and construction of a 3 storey detached dwelling, swimming pool and associated safety fence, detached garage, boundary wall (3m maximum height) and masonry fence (2.1m maximum height) at 16 Strathmore Avenue, Lockleys (CT 6176/379) subject to the following conditions of consent:

Development Plan Consent Conditions:

1. The development shall be undertaken and completed in accordance with the following plans contained within this application except where varied by any condition(s) listed below.
 - a) Architectural Plans by The Galvin Group (Page Numbers 1 to 27).
Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.
2. All stormwater design and construction will 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. All driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained prior to occupation of the dwelling approved herein, and shall be maintained in good condition at all times to the reasonable satisfaction of Council.
Reason: To ensure that dust nuisance is minimised.
4. All landscaping shown on the approved 'Landscape Plan' by the Galvin Group (Revision: A Date: 06/06/2019), shall be planted within three (3) months of the occupation of the dwelling approved herein.
Reason: To enhance the amenity of the site and locality and to mitigate against heat loading.
5. All landscaping shall be maintained in good health and condition at all times and any dead or diseased plants shall be replaced immediately to the reasonable satisfaction of the Council.
A watering system shall be installed and maintained at the time landscaping is established 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 to mitigate against heat loading.

Note:

The applicant is reminded that the detached garage approved as part of this application shall be used for the storage of vehicles and other domestic items and not for human habitation.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.3 14 Gifford Street, TORRENSVILLE

Application No 211/687/2018

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, Land Division Consent and Development Approval for Application No. 211/687/2018 by Eljay Homes to undertake Land division - Community Title; SCAP No. 211/C021/18; Create one (1) additional allotment and common property at 14 Gifford Street, Torrensville (CT 5761/659) for the following reasons:

The proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 6 February 2018:

- General Section, Crime Prevention PDCs 1 & 2
Reason: The proposed private open space arrangement for the existing dwelling does not allow for casual surveillance of the street.
- General Section, Land Division PDC 7(b)
Reason: The driveway "handle" does not have a minimum width of 4m.
- General Section, Residential Development PDC 19
Reason: The proposed private open space arrangement for the existing dwelling is located at the front of the dwelling.
- Residential Zone, Desired Character, Objective 4 & PDC 5
Reason: The proposed land division is not consistent with the desired character for the zone and policy area.
- Residential Zone, PDC 22
Reason: The proposed land division is not consistent with the existing pattern and scale of allotments.
- Cowandilla/Mile End West Character Policy Area 23, Desired Character, Objective 1 & PDC 2
Reason: The proposed land division is not consistent with and does not contribute to the desired character for the policy area.
- Cowandilla/Mile End West Character Policy Area 23, Desired Character & PDC 1
Reason: The proposed land division does not provide for the desired dwelling type in the policy area.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.4 34B Hawson Avenue, NORTH PLYMPTON

Application No 211/1062/2017

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 REFUSE Development Plan Consent for Application No. 211/1062/2017 by Brad Jessop for construction of a carport forward of dwelling at 34B Hawson Avenue, North Plympton (CT 5965/590) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 19 December 2017:

- General Section, Design and Appearance Objective 1
Reason: The design and siting of the proposed carport would not complement the associated dwelling and would detract from the prevailing streetscape character.
- General Section, Design and Appearance Principles of Development Control 1 & 20
Reason: The design of the proposed carport would not complement the associated dwelling and the carport would be sited further forward than the average setback of adjacent buildings.
- General Section, Residential Development Principles of Development Control 4, 14 & 16
Reason: The design of the proposed carport would not complement the associated dwelling and would detract from the streetscape, and the carport would be sited well forward of the main building façade.
- Residential Zone Principles of Development Control 7 & 8
Reason: The proposed carport would be sited further forward than the average setback of the adjacent buildings and would not contribute to the desired character of the policy area.
- Low Density Policy Area 20 Objective 1
Reason: The design and siting of the proposed carport would not contribute to the desired character for the policy area.
- Low Density Policy Area 20 Principle of Development Control 2
Reason: The design and siting of the proposed carport would not be consistent with the desired character for the policy area.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.5 4 Barker Street, BROOKLYN PARK

Application No 211/167/2018

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. 211/167/2018 by Steven Desyllas to undertake the removal of one (1) Significant Tree - Eucalyptus Camaldulensis (River Red Gum) at 4 Barker Street, Brooklyn Park (CT 5063/986) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 6 February 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

7.1 Compromise Proposal - ERD-19-81 - 428 Henley Beach Road, LOCKLEYS

Application No. 211/1059/2018

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

Moved: J Wood
Seconded: J Strange

That the recommendation be adopted.

CARRIED

5.00pm 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 - August 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

The Assessment Manager reminded Panel Members of the need to complete and submit their Primary Return.

10 MEETING CLOSE

The Presiding Member declared the meeting closed at 5.41pm.