

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, 11 FEBRUARY 2020**  
**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  
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)  
Ms Sonia Gallarello (Development Officer, Planning)

## 3 APOLOGIES

### Apologies

#### Panel Members:

Ms Jassmine Wood  
Mr Graham Nitschke (as proxy for Ms Jassmine Wood)

#### Officers:

Mr Terry Buss (Chief Executive Officer)

## RECOMMENDATION

That the apologies be received.

## COUNCIL ASSESSMENT PANEL DECISION

Moved: J Strange  
Seconded: B Russ

That the recommendation be adopted.

**CARRIED**

#### 4 CONFIRMATION OF MINUTES

##### RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 21 January 2020 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

The Presiding Member determined that Item 6.3 - 13 & 13A Junction Lane, MILE END be brought forward for consideration by the Panel at this point of the meeting and prior to Item 6.1 - 362 Henley Beach Road, LOCKLEYS.

##### 6.3 13 & 13A Junction Lane, MILE END (Brought Forward for Consideration at this Point of the Meeting)

Application No 211/1080/2019

##### 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. 211/1080/2019 by Allan Franca to undertake the construction of two (2) single storey attached dwellings with associated fencing at 13 and 13A Junction Lane, Mile End (CT 6230/194 & CT 6230/193) subject to the following conditions of consent:

##### 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:
  - a) Plan set by TS4 living, Job No. 1817, including:
    - A0.0 - DA-1;
    - A1.1 - DA-1;
    - A2.2 - BR-2;
    - A2.3 - BR-1
    - A2.6 - BR-1
    - A2.1 - BR-1

- A2.2 - BR-1
- A2.3 - BR-1
- A2.6 - BR-1
- A2.0 - DA-1
- A2.1 - DA-1
- A2.2 - DA-1
- A3.0 - DA-1

b) Letter from TS4 living dated 17 January 2020.

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

2. The roofs of the dwellings approved herein shall be finished in Colorbond® sheeting with a corrugated profile.

*Reason: To maintain the historic character and amenity of the area.*

3. 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.*

4. The stormwater connection through the road verge area shall be constructed of a shape and material to satisfy Council's standard requirements as follows:

- a) 100 x 50 x 2mm RHS Galvanised Steel or
- b) 125 x 75 x 2mm RHS Galvanised Steel or
- c) Multiples of the above
- d) No connection through bus stop hard stand (if applicable).

*Reason: To maintain existing Council infrastructure.*

5. All driveways, parking and manoeuvring areas will 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 to the satisfaction of Council.

*Reason: To minimise the spread of dust and dirt and to ensure safe and convenient vehicle manoeuvring on site.*

6. The landscaping detailed on the stamped and approved plans shall be undertaken within three (3) months of the substantial completion of the development and, in any event, prior to the occupation or use of the development.

Such landscaping shall be maintained in good health and condition to the satisfaction of Council at all times and any dead or diseased plants or trees shall be immediately replaced to the satisfaction of Council.

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

7. Prior to occupancy of the dwellings, a 3000 litre stormwater collection and reuse tank and associated plumbing to service all toilets and laundry is to be installed and operational.

*Reason: To comply with Council's engineering requirements and reduce the load on the local stormwater system.*

Note:

1. The subject land is located within an area depicted within Australian Standard AS2021 as being exposed to an Australian Noise Exposure Forecast of 20 or higher. Building work in relation to this land shall comply with *Australian Standard AS2021* (as applicable) insofar as it is relevant to the particular building work (in addition to the requirements of the Building Code). As such, an acoustic report prepared by a suitably qualified professional should be provided and included in the building documentation submitted for Building Rules Consent.

## **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

### **6.1 362 Henley Beach Road, LOCKLEYS**

Application No 211/950/2018

#### **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. 211/950/2018 by City of West Torrens to undertake the Demolition of a Local Heritage Place (Lockleys Memorial Hall) and construction of three (3) masonry walls for interpretive signage (history walls) and relocation of existing Foundation Stone at 362 Henley Beach Road, Lockleys (CT5842/983) subject to the following reserved matter and conditions of consent:

#### **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 full architectural survey of the Local Heritage Place to be demolished shall be undertaken by a suitably qualified architect and/or heritage expert with the following information provided:
  - A scaled drawing of the building;
  - A survey that identifies sequential development of the building and physical evidence that can be reused as interpretive or entry statement material; and
  - Details of landscaping that is to be provided following the demolition of the building.

Pursuant to Section 42(1) of the *Development Act 1993*, the Council reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserved matter outlined above.

**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. During the course of demolition and following completion of the demolition works, the existing building fabric shall be retained and safely stored as required for reuse for the construction of the masonry walls that are approved herein.

*Reason: To ensure the existing fabric of the building can be reused in accordance with the approved plans and documents.*

**Planning Notes**

1. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Refer: [http://www.epa.sa.gov.au/xstd\\_files/Water/Report/building\\_sites.pdf](http://www.epa.sa.gov.au/xstd_files/Water/Report/building_sites.pdf) for additional detail.
2. The emission of noise from the premises is subject to control under the *Environment Protection Act and Regulations 1993* and the applicant (or person with the benefit of this consent) should comply with those requirements.
3. The applicant is reminded that in accordance with the *Aboriginal Heritage Act*, it is an offence to damage, disturb or interfere with any Aboriginal site, object or remains. The Kurna Nation Cultural Heritage Association Inc is responsible for undertaking heritage surveys in this area. Their contact details are:  
Darren Wanganeen, Chairperson  
c/- Emma Riggs  
Camatta Lempens Pty Ltd Lawyers  
Phone: (08) 8410 0211  
Email: [ERiggs@camattalempens.com.au](mailto:ERiggs@camattalempens.com.au)
4. Once development approval is granted, the development must be:
  - a) Substantially commenced within twelve (12) months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of twelve (12) months from this date (unless Council extends this period), and a new development application shall be required;
  - b) Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period), and a new development application shall be required; and
  - c) Any request for an extension of time must be lodged in writing with the Council prior to the expiry of the above-mentioned periods.
5. Management of the property during demolition shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

## 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 for Application No. 211/950/2018 by City of West Torrens to undertake the Demolition of a Local Heritage Place (Lockleys Memorial Hall) and construction of three (3) masonry walls for interpretive signage (history walls) and relocation of existing Foundation Stone at 362 Henley Beach Road, Lockleys (CT5842/983) subject to the following reserved matter and conditions of consent:

### 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 full architectural survey of the Local Heritage Place to be demolished shall be undertaken by a suitably qualified architect and/or heritage expert with the following information provided:
  - A scaled drawing of the building;
  - A survey that identifies sequential development of the building and physical evidence that can be reused as interpretive or entry statement material; and
  - Details of landscaping that is to be provided following the demolition of the building.

Pursuant to Section 42(1) of the *Development Act 1993*, the Council reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserved matter outlined above.

### 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. During the course of demolition and following completion of the demolition works, the existing building fabric shall be retained and safely stored as required for reuse for the construction of the masonry walls that are approved herein.

*Reason: To ensure the existing fabric of the building can be reused in accordance with the approved plans and documents.*
3. The masonry walls shall be constructed in a 'Flemish Bond' brickwork pattern to the satisfaction of Council.

*Reason: To ensure the existing fabric of the Local Heritage Place is properly reflected in the masonry walls.*

### Planning Notes

1. The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm. Refer: [http://www.epa.sa.gov.au/xstd\\_files/Water/Report/building\\_sites.pdf](http://www.epa.sa.gov.au/xstd_files/Water/Report/building_sites.pdf) for additional detail.

2. The emission of noise from the premises is subject to control under the *Environment Protection Act and Regulations 1993* and the applicant (or person with the benefit of this consent) should comply with those requirements.
3. The applicant is reminded that in accordance with the *Aboriginal Heritage Act*, it is an offence to damage, disturb or interfere with any Aboriginal site, object or remains. The Kurna Nation Cultural Heritage Association Inc is responsible for undertaking heritage surveys in this area. Their contact details are:  
Darren Wanganeen, Chairperson  
c/- Emma Riggs  
Camatta Lempens Pty Ltd Lawyers  
Phone: (08) 8410 0211  
Email: [ERiggs@camattalempens.com.au](mailto:ERiggs@camattalempens.com.au)
4. Once development approval is granted, the development must be:
  - a) Substantially commenced within twelve (12) months from the date of the decision of this Consent or Approval, otherwise this Consent or Approval will lapse at the expiration of twelve (12) months from this date (unless Council extends this period), and a new development application shall be required;
  - b) Fully completed within three (3) years from the date of the decision of this Approval, otherwise this Approval will lapse at the expiration of three (3) years from this date (unless Council extends this period), and a new development application shall be required; and
  - c) Any request for an extension of time must be lodged in writing with the Council prior to the expiry of the above-mentioned periods.
5. Management of the property during demolition shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

## 6.2 14 Lowe Street, THEBARTON

Application No 211/1109/2019

### 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. 211/1109/2019 by Hugh Holds for change of use from service industry to distillery with ancillary office and dwelling at 14 Lowe Street, Thebarton (CT 5086/764) subject to the concurrence of the State Commission Assessment Panel and the following conditions of consent:

### 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 the proposed distillery and ancillary office hours of operation shall be limited to 8am - 8pm, Monday to Saturday.  
*Reason: To minimise the potential for noise impacts to adjoining owners or occupiers.*

3. That forklift use on the site shall be limited to the hours of 8am - 6pm, Monday to Saturday.  
*Reason: To minimise the potential for noise impacts to adjoining owners or occupiers.*
4. That all loading and unloading for servicing and deliveries shall be carried out on the subject land and no loading or unloading of any goods shall be carried out in the street.  
*Reason: To ensure no traffic conflict occurs within the street.*
5. That the maximum vehicle size be limited to a B99 vehicle as per Australian Standard AS2890.1 2004.  
*Reason: To ensure adequate vehicular manoeuvrability occurs on the site.*

The Presiding Member noted that Item 6.2 - 14 Lowe Street, THEBARTON had been withdrawn and subsequently there is no longer a need for the Council Assessment Panel to consider all aspects of the report and the application for Item 6.2.

## **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 - February 2020**

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**

### **9.1 Expression of Thanks from the Assessment Manager**

The Assessment Manager advised the Panel that this would be the final meeting of her tenure in the role and that a new Assessment Manager would be appointed from within Council in order to better navigate the transition of the South Australian Planning System to the Planning, Development and Infrastructure Act and Regulations.

The Assessment Manager thanked the Panel for their ongoing commitment to the role and the planning staff for providing the Panel with well researched and argued reports.

The Presiding Member thanked the Assessment Manager for her contribution.

## **10 MEETING CLOSE**

The Presiding Member declared the meeting closed at 5.32pm.