

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, 8 DECEMBER 2020**  
**at 5.00pm**

**Hannah Bateman**  
**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>1</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 2 and 4 Jervois Street, TORRENSVILLE .....	2
	6.2 50 Gladstone Road, MILE END .....	5
	6.3 Council Assessment Panel Annual Report 2020 .....	7
<b>7</b>	<b>Confidential Reports of the Assessment Manager.....</b>	<b>8</b>
	Nil	
<b>8</b>	<b>Summary of Court Appeals .....</b>	<b>8</b>
	8.1 Summary of SCAP and ERD Court Matters - November 2020.....	8
<b>9</b>	<b>Other Business .....</b>	<b>8</b>
<b>10</b>	<b>Meeting Close .....</b>	<b>8</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	(Manager City Development and Assessment Manager)
Ms Rachel Knuckey	(Team Leader Planning)
Mr Jordan Leverington	(Senior Development Officer - Planning)
Ms Sonia Gallarello	(Senior Development Officer - Planning)

## **3 APOLOGIES**

### **Apologies**

#### **Panel Member:**

Ms Jassmine Wood

#### **Officers:**

Mr Terry Buss	(Chief Executive Officer)
Mr Angelo Catinari	(Chief Executive Officer - Acting)

## **RECOMMENDATION**

That the apologies be received.

## **COUNCIL ASSESSMENT PANEL DECISION**

Moved: G Nitschke

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 10 November 2020 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 2 and 4 Jervois Street, TORRENSVILLE**

Application No 211/260/2020

Appearing before the Panel were:

Representor: **Sam McInnes** of 180 Henley Beach Road, Torrensville appeared in support of the representation.

Applicant: **Graham Burns** on behalf of Dome Buildings Concepts appeared in response to the representation.

**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 AUTHORISE the Assessment Manager to GRANT Development Plan Consent for Application No. 211/260/2020 by Dome Building Concepts to undertake Demolition of existing dwelling on 4 Jervois St and change of use from office, shop and manufacturing to restaurant and ancillary car park and associated landscaping (non-complying) at 2 & 4 Jervois Street, Torrensville (CT 5250/224 & 5780/537) subject to the concurrence of the State Commission Assessment Panel, the Land Management Agreement being noted on the relevant Certificates of Title and the following Reserved Matters and conditions of consent:

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 detailed landscaping plan specifying all areas of the land to be landscaped, a list of the species to be planted, the height of the species at the time of planting and the estimated mature height of all plants shall be submitted to and approved by Council prior to the granting of Development Approval.

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

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 matters outlined above.

## Development Plan Consent Conditions

1. The development shall be undertaken, completed and maintained in accordance with the following plans and information detailed in this application except where varied by any condition listed below:

- a) Site Plan by Dome Building Concepts, Drawing no. 14, Dated 13/07/2020.
- b) Floor Plan by Dome Building Concepts, Drawing no. 34, Dated 13/07/2020.
- c) Elevation Plan by Dome Building Concepts, Drawing no. 44, Dated 13/07/2020.
- d) Elevation Plan by Dome Building Concepts, Drawing no. 00, Dated 13/07/2020.
- e) Existing Site Plan by Dome Building Concepts, Drawing no. 17, Dated 13/07/2020.
- f) Statement of Effect by Masterplan, Dated August 2020

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

2. The maximum number of patrons at the premises at any one time shall not exceed 80 people.

*Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council and ensure there is sufficient car parking available*

3. The number of staff to occupy the premises at any one time shall not exceed 9 people.

*Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council and ensure there is sufficient car parking available.*

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. The hours of operation of the restaurant (shop) approved herein shall be limited to 8:00am to 3:00pm - Monday to Sunday.

*Reason: To retain amenity for the occupants of adjacent properties.*

6. Delivery and waste collection vehicles shall not attend the site outside of the following hours:

Monday-Saturday	7am - 7pm
Sunday and public holidays	9am - 7pm

*Reason: To retain amenity for the occupants of adjacent properties.*

7. The outbuildings described as Areas 3 & 4 on the site plan shall only be used for the ancillary storage for the approved restaurant land use.

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

8. 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.*

9. All carparking spaces shall be linemarked, in accordance with Australian Standard 2890.1, 2004 Parking Facilities, Part 1, Off Street Carparking, prior to the occupation of the proposed development. Linemarking and directional arrows shall be clearly visible at all times.

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

10. 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.*

11. The maximum size of service vehicles accessing the site, including the refuse collection vehicle, shall be limited to a SRV during the approved operating hours or an MRV outside of the approved operating hours.

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

12. Stormwater runoff from hard surfaced areas shall be directed to a stormwater treatment system or device to ensure that all debris, litter, sediment, fuels and oil products are removed prior to any controlled release to Council's stormwater system.

*Reason: To ensure adequate protection to Council's stormwater system.*

13. Bin enclosure to be kept clean and lids closed at all times (other than when filling bin with rubbish).

*Reason: To minimise odour and assist in vermin control.*

14. Any music or other amplified noise shall not exceed 8dB above the level of background noise in any octave band of the sound spectrum.

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

## **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

## 6.2 50 Gladstone Road, MILE END

Application No DA211/820/2020 & DA211/878/2020

### 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, Land Division Consent and Development Approval for Application No. 211/820/2020 by Mrs Kara Palombo to undertake a Land division - Community Title; SCAP No. 211/C089/20; Create one (1) additional allotment and common property at 50 Gladstone Road, Mile End (CT 5803/866) subject to the following conditions of consent:

#### Development Plan Consent Conditions:

1. Development is to take place in accordance with the plans prepared by SKS Surveys Pty Ltd, Plan Reference No. 441720, Version 3 relating to Development Application No. 211/820/2020 (SCAP 211/C089/20).

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

#### Land Division Consent 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.  
The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner / applicant.  
*Reason: To satisfy the requirements of SA Water Corporation.*
3. Payment of \$7761 into the Planning and Development Fund (1 allotment @ \$7761/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 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 State Commission Assessment Panel.*

### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

## 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 for Application No. 211/878/2020 by Mrs Kara Palombo to undertake the construction of a two storey detached dwelling, brick wall (1.4m high), brick pillar (1.4m high), coloured sheet metal boundary fencing (1.8m high) and construction of a carport to existing dwelling and construction of a carport to existing dwelling at 50 Gladstone Road, Mile End (CT 5803/866) subject to the following conditions of consent:

### Development Plan Consent Conditions:

1. The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in this application except where varied by any condition(s) listed below:
  - Site plan, lower floor plan, upper floor plan, north, south, east and west elevations and streetscape plan by Think Architects sheets 1-6, Project 73.2020
  - Carport details including site plan, elevations and materials.
  - Stormwater drainage plan by Solution for Construction, Project No 1370, Issue C

*Reason: To ensure the proposal is established in accordance with plans and documents lodged with Council.*
2. 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. 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 a reasonable condition at all times.

*Reason: To ensure the ongoing use and safety of vehicle parking and manoeuvring areas.*
4. All wall cladding, roofing materials and external building finishes and colours used on the dwellings shall be natural and non-reflective, and shall be maintained in good condition to the satisfaction of Council.

*Reason: To maintain the amenity of the locality.*
5. All landscaping will be planted in accordance with the approved plans prior to the occupancy of the development or the next 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.

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

6. Prior to the occupation or use of the development, the upper level windows on the east south and west elevations to the dwelling shall be installed with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for direct overlooking of adjoining properties. The balcony of the proposed dwelling shall also be fitted with fixed obscure glazing to the east and north. All glazing in these windows and the balcony will be maintained in a good condition at all times to the satisfaction of Council.

*Reason: To maintain the level of privacy to residents of adjoining dwellings.*

7. The carport approved herein shall not be enclosed, have the walls clad or be fitted with a roller/panel-lift door at any time without the prior approval of Council.

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

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

### **6.3 Council Assessment Panel Annual Report 2020**

The purpose of this report was to provide Council with information on the activities of, and feedback from, the Council Assessment Panel.

### **RECOMMENDATION**

It is recommended to Council Assessment Panel that

1. The draft Council Assessment Panel Annual Report 2020 (appended as **Attachment 1** of Agenda report) be ratified for presentation to Council.
2. That the Assessment Manager be authorised to make any changes of a minor or technical nature, including changes to add the December 2020 CAP meeting data.

### **COUNCIL ASSESSMENT PANEL DECISION**

Moved: M Arman

Seconded: J Strange

The Panel resolved that:

1. The draft Council Assessment Panel Annual Report 2020 (appended as **Attachment 1** of Agenda report) be ratified for presentation to Council as amended.
2. That the Assessment Manager be authorised to make any changes of a minor or technical nature, including changes to add the December 2020 CAP meeting data.

**CARRIED**

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

Nil

## **8 SUMMARY OF COURT APPEALS**

### **8.1 Summary of SCAP and ERD Court Matters - November 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**

The Assessment Manager reminded panel members of the special CAP meeting that will be held on the 16 December 2020 and the Council was considering a report of the appointment of the independent members at its meeting on 8 December 2020.

The Presiding Member thanked the panel members and staff for their support and attendance over the past two years.

## **10 MEETING CLOSE**

The Presiding Member declared the meeting closed at 5.48pm.