

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 MAY 2021
at 5.00pm

Hannah Bateman
Assessment Manager

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1 MEETING OPENED

The Presiding Member declared the meeting open at 5.00pm.

1.1 Acknowledgement of Country

The Acknowledgement of Country was read by the Presiding Member.

1.2 Evacuation Procedure

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

2 PRESENT

Panel Members:

Presiding Member: Ms S Ditter
Council Member: Mr G Nitschke
Independent Members: Ms J Strange, Mr K Corolis, Mr M Arman

Officers:

Mr Angelo Catinari (General Manager Urban Services)
Ms Hannah Bateman (Manager City Development and Assessment Manager)
Ms Rachel Knuckey (Team Leader Planning)
Mr Brendan Fewster (Development Assessment Consultant)

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 13 April 2021 be confirmed as a true and correct record.

COUNCIL ASSESSMENT PANEL DECISION

That the recommendation be adopted.

5 DISCLOSURE STATEMENTS

The following disclosures of interest were made:

Item	Type of Conflict	Panel Member
Item 6.1.1 - 108, 110-112 & 114-118 Marion Road and 1 Edwin Street Brooklyn Park	Direct	Mr Graham Nitschke

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 Transitional Applications

6.1.1 108, 110-112 & 114-118 Marion Road and 1 Edwin Street, BROOKLYN PARK

5.03pm *Mr Graham Nitschke declared a direct conflict of interest in this item on the basis that Council is the land owner and he is an Elected Member. Mr Nitschke left the meeting for the discussion and vote on this item.*

Application No 211/702/2020

Appearing before the Panel were:

Representors: **A Shenouda** of 1 Carnarvon Avenue, Brooklyn Park appeared in support of the representation.

J S Kumar of 2 Press Road, Brooklyn Park did not appear in support of the representation.

J M Dunstan of 5 Ralph Street, West Richmond appeared in support of the representation.

Applicant: **Rob Gagetti** of Ekistics Planning and Design and **Sam Morris** of Accord Property appeared in response to the representations.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report and the application for consent to carry out development of land resolves to GRANT Development Plan Consent for Application No. 211/702/2020 by L Meyer C/- Ekistics Planning and Design to undertake the demolition of existing buildings (nine in total), retention of existing Local Heritage Place and construction of new buildings and refurbishment of existing buildings for an integrated mixed use development comprising a restaurant and bar, microbrewery, commercial warehouses and service industries with associated car parking, boundary fencing and landscaping - Non-Complying at 108, 110-112 & 114-118 Marion Road and 1 Edwin Street, Brooklyn Park (CT 5721/775, 5727/286, 5728/110, 5443/556, 5670/395 & 6221/362) subject to the following reserved matters 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 Construction Management Plan (CMP) for the proposed development. The CMP should identify potential issues and appropriate measures to minimise impacts and disruption to surrounding residents and business owners during the construction phase of the development. The plan shall also detail the types, volumes and distributions of traffic and how they will be managed.
2. A final footing and retaining design for the proposed building (Tenancy 12 to 15) along the southern boundary that adopts appropriate design techniques for the management of erosion and instability to the adjacent drainage channel (creek).
3. A detailed stormwater management system that includes stormwater quality improvement measures that are demonstrated to satisfy the State Government Water-Sensitive Urban Design policy guidelines.

4. Construction details of the acoustic fence to be located along the northern boundary that are in accordance with the recommendations of the Environmental Noise Assessment (ENA) prepared by Sonus dated November 2020.

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:
 - Context & Site Analysis Plan (Drawing No. 3366 DA03, Rev 8 dated 15/02/21) prepared by Brown Falconer;
 - Demolition Plan (Drawing No. 3366 DA04, Rev 12 dated 15/02/21) prepared by Brown Falconer;
 - Site Plan (Drawing No. 3366 DA05, Rev 12 dated 15/02/21) prepared by Brown Falconer;
 - Floor Plans - Building A Heritage (Drawing No. 3366 DA06, Rev 9 dated 15/02/21) prepared by Brown Falconer;
 - Floor Plans - Building B (Drawing No. 3366 DA07, Rev 8 dated 15/02/21) prepared by Brown Falconer;
 - Floor Plans - Landscaping (Drawing No. 3366 DA08, Rev 8 dated 15/02/21) prepared by Brown Falconer;
 - Elevations (Drawing No. 3366 DA09, Rev 8 dated 15/02/21) prepared by Brown Falconer;
 - Elevations (Drawing No. 3366 DA10, Rev 9 dated 15/02/21) prepared by Brown Falconer;
 - Elevations (Drawing No. 3366 DA11, Rev 8 dated 15/02/21) prepared by Brown Falconer;
 - 3D Images (Drawing No. 3366 DA12, Rev 7 dated 15/02/21) prepared by Brown Falconer;
 - Landscape Concept Plan (Drawing No. HD X 010 CD01, February 2021) prepared by Hemisphere Design;
 - Stormwater Plan (Drawing No. C01, Issue K dated 24/02/21) prepared by Sagero Engineers;
 - Stormwater Plan (Drawing No. C02, Issue K dated 23/02/21) prepared by Sagero Engineers;
 - Grading Plan & Details (Drawing No. C03, Issue K dated 24/02/21) prepared by Sagero Engineers;
 - Grading Plan & Details (Drawing No. C04, Issue K dated 24/02/21) prepared by Sagero Engineers;
 - Civil Stormwater Calculations prepared by Sagero Engineers dated December 2020;
 - Letter prepared by Ekistics dated 17 March 2021;
 - Environmental Noise Assessment prepared by Sonus dated November 2020;
 - Letter prepared by Sonus dated 21 February 2021;
 - Traffic and Parking Report prepared by Cirqa dated 16 March 2021;
 - Microbrewery Odour Emissions Assessment prepared by Envirosan Industrial & Marine Surveys dated 24 February 2021; and
 - Waste Management Plan prepared by Rawtec dated 1 December 2020.

2. 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 ensure safe and convenient vehicle access and to suppress dust.

3. All car parking areas shall be marked in a distinctive fashion to delineate the parking spaces, prior to the occupation of the development.

Reason: To ensure usable and safe car parking.

4. The proposed car parking layout and access areas and vehicle head clearances shall conform to Australian Standard AS 2890.1:2004- Off-street Car parking and Australian Standard 2890.6:2009 - Off-Street Parking for People with Disabilities.

Reason: To provide adequate, safe and efficient off-street parking for users of the development.

5. Driveway, car parking spaces, manoeuvring areas and landscaping areas shall not be used for storage or display of materials or goods.

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

6. The operation of the development approved herein shall be between the following hours:

- Restaurant - 5:00pm to 12:00am Monday to Sunday (7 days per week);
- Microbrewery - 10:00am to 6:00pm Monday to Sunday (7 days per week);
- Warehouses and Service Industries - 7:00am to 5:00pm Monday to Saturday and 9:00am to 5:00pm Sunday

Reason: To ensure there is adequate on-site car parking and minimal disturbance to surrounding properties.

7. Service vehicles for the restaurant and microbrewery shall only access the site between 7:00am and 10:00am on any day. Service vehicles for the warehouse and service industry tenancies shall take place between 7:00am and 5:00pm Monday to Saturday.

Reason: To ensure traffic safety and to maintain the amenity of the locality.

8. Waste collection for all uses and building tenancies shall take place between the hours of 7.00am and 7.00pm Monday to Saturday and between 9.00am and 7.00pm on a Sunday or public holiday.

Reason: To ensure traffic safety and to maintain the amenity of the locality.

9. All solid waste shall be stored in bins/containers having a close fitting lid. The bins/containers shall be stored within the designated bin enclosure areas that are identified on the approved plans. Collection of waste shall be carried out at least three times a week by a private contractor and within the approved collection hours (refer to Condition 8).

Reason: To ensure minimal disturbance to surrounding properties and to maintain the amenity of the locality.

10. Access/egress to and from the site from Edwin Street shall only take place between 7:00am and 6:00pm on any day, with a gated timer system to be installed and operational to the satisfaction of Council prior to the occupation of the development.

Reason: To ensure traffic safety and to maintain the amenity of the locality.

11. The largest permitted service vehicle to gain access to the site shall be a Small Rigid Vehicle for Tenancies 1 and 12 to 17 and a Medium Rigid Vehicle for Tenancies 2 to 11.

Reason: To ensure traffic safety and to maintain the amenity of the locality.

12. The one-way circulation aisleway between the Edwin Street boundary and the western end of the service industry building shall be line marked and/or sign posted accordingly.

Reason: To ensure traffic safety and to maintain the amenity of the locality.

13. No more than 150 seats shall be provided within the restaurant and no more than 80 seats within the microbrewery at any one time.

Reason: To ensure adequate on-site car parking is available.

14. All landscaping shall be planted in accordance with the approved plans (Landscape Concept Plan, Drawing No. HD X 010 CD01, February 2021 prepared by Hemisphere Design) prior to the occupation of the development. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die.

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

15. Floodlighting within car park and around the buildings shall be restricted to that necessary for access and security purposes only and be directed and shielded in such a manner as to cause no light overspill nuisance of nearby properties.

Reason: To maintain visual amenity and public safety in the locality.

16. The development approved herein shall incorporate the following recommendations outlined in the Environmental Noise Assessment (November 2020) prepared by Sonus to the satisfaction of Council prior to occupation/operation of the development:

- Sections of the existing fence along the northern boundary are to be increased to 2.4 metres in height and sealed airtight from top to bottom, including at the ground and at junctions;
- Refuse collection to take place between the hours of 9.00am and 7.00pm on a Sunday or public holiday and between 7.00am and 7.00pm on any other day; and
- Delivery vehicles shall turn-off engines immediately after parking and not left running while deliveries are taking place.

Reason: To ensure minimal disturbance to surrounding properties.

17. The new internal opening to the south wall of the Local Heritage Place shall comprise a nib to each side with the wall to be evident above the opening and below the ceiling line to provide evidence of the original wall.

Reason: To maintain the historic significance of the Local Heritage Place.

18. Signage for the designated Loading Zones shall be erected prior to occupation/operation of the development.

Reason: To ensure traffic safety and to maintain the amenity of the locality.

19. The exhaust vent for the microbrewery shall be installed in accordance with the Odour Emissions Assessment prepared by Enviroscan prior to the occupation/operation of the development.

Reason: To minimise odour and maintain the amenity of the locality.

Department for Infrastructure and Transport Conditions

20. The two access points to Marion Road shall be constructed in general accordance with Brown Falconer, Site Plan, Drawing No. 3366 DA 05, Revision 10 dated 30 November 2020.
21. The northern access shall accommodate left in and left out movements and the southern access shall be upgraded to provide a channelised right turn lane and will accommodate all movements. The existing median opening located adjacent the southern boundary of 108 Marion Road shall be permanently closed and reinstated to the satisfaction of DIT.
22. All road works (e.g. median and line marking alterations, etc.) deemed to be required to facilitate safe access must be designed and constructed to comply with Austroads Guides and Australian Standards and to the satisfaction of DIT, with all costs to be borne by the applicant.

The applicant shall contact DIT Network Management Services, Senior Network Integrity Engineer, Mr Narendra Patel (08) 8226 8244 or mobile 0400 436 745 (narendra.patel@sa.gov.au) to obtain approval and discuss any technical issues regarding the required works.

23. Any infrastructure within the road reserve that is demolished, altered, removed or damaged during the construction of the project shall be reinstated to the satisfaction of the relevant asset owner, with all costs being borne by the applicant.
24. All redundant crossovers along the Marion Road frontage shall be closed and reinstated with council standard kerb and gutter prior to the business becoming operational. All costs are to be borne by the applicant.
25. The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

COUNCIL ASSESSMENT PANEL DECISION

The Council Assessment Panel, having considered all aspects of the report and the application for consent to carry out development of land resolves to GRANT Development Plan Consent for Application No. 211/702/2020 by L Meyer C/- Ekistics Planning and Design to undertake the demolition of existing buildings (nine in total), retention of existing Local Heritage Place and construction of new buildings and refurbishment of existing buildings for an integrated mixed use development comprising a restaurant and bar, microbrewery, commercial warehouses and service industries with associated car parking, boundary fencing and landscaping - Non-Complying at 108, 110-112 & 114-118 Marion Road and 1 Edwin Street, Brooklyn Park (CT 5721/775, 5727/286, 5728/110, 5443/556, 5670/395 & 6221/362) subject to the following reserved matters 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 Construction Environmental Management Plan (CEMP) shall be prepared and submitted to Council for approval prior to Development Approval being granted. 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 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;
 - e) Correct positioning of all mechanical equipment to minimize 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; and
 - f) The type, volume and distribution of traffic and how it will be managed.
2. A final footing and retaining design for the proposed building (Tenancy 12 to 15) along the southern boundary that adopts appropriate design techniques for the management of erosion and instability to the adjacent drainage channel (creek).
3. A detailed stormwater management system that includes stormwater quality improvement measures that are demonstrated to satisfy the State Government Water-Sensitive Urban Design policy guidelines.
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- Reason: To ensure safe and convenient vehicle access and to suppress dust.*
3. All car parking areas shall be marked in a distinctive fashion to delineate the parking spaces, prior to the occupation of the development.
- Reason: To ensure usable and safe car parking.*
4. The proposed car parking layout and access areas and vehicle head clearances shall conform to Australian Standard AS 2890.1:2004- Off-street Car parking and Australian Standard 2890.6:2009 - Off-Street Parking for People with Disabilities.
- Reason: To provide adequate, safe and efficient off-street parking for users of the development.*
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- Reason: To ensure the development proceeds in an orderly manner.*

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Reason: To ensure adequate on-site car parking is available.

14. All landscaping shall be planted in accordance with the approved plans (Landscape Concept Plan, Drawing No. HD X 010 CD01, February 2021 prepared by Hemisphere Design) prior to the occupation of the development. All trees at the time of planting will be semi mature. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die.

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

15. Floodlighting within car park and around the buildings shall be restricted to that necessary for access and security purposes only and be directed and shielded in such a manner as to cause no light overspill nuisance of nearby properties.

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Department for Infrastructure and Transport Conditions

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21. The northern access shall accommodate left in and left out movements and the southern access shall be upgraded to provide a channelised right turn lane and will accommodate all movements. The existing median opening located adjacent the southern boundary of 108 Marion Road shall be permanently closed and reinstated to the satisfaction of DIT.
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The applicant shall contact DIT Network Management Services, Senior Network Integrity Engineer, Mr Narendra Patel (08) 8226 8244 or mobile 0400 436 745 (narendra.patel@sa.gov.au) to obtain approval and discuss any technical issues regarding the required works.

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25. The applicant shall ensure that all stormwater generated by the proposal is appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

5.58pm *Mr Graham Nitschke returned to the meeting.*

6.2 PDI Act Applications

Nil

7 REVIEW OF ASSESSMENT MANAGER DECISION

Nil

8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

Nil

9 RELEVANT AUTHORITY ACTIVITIES REPORT

9.1 Activities Summary - May 2021

This report presents information in relation to:

1. Any development appeals before the Environment, Resources and Development (ERD) Court where the Council Assessment Panel (CAP) is the relevant authority;
2. Other appeal matters before the ERD Court of which SCAP are the relevant authority;
3. Any deferred items previously considered by the CAP
4. Summary of applications that have been determined under delegated authority where CAP is the relevant authority; and
5. Any matters being determined by the State Commission Assessment Panel (SCAP).

RECOMMENDATION

The Council Assessment Panel receive and note the information.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

10 OTHER BUSINESS

10.1 Sustainable Development Opportunities

The panel discussed the availability of policy mechanisms for relevant authorities and Council to require applicants to implement sustainable development opportunities in their developments (i.e. water sensitive urban design, solar panels etc.).

11 MEETING CLOSE

The Presiding Member declared the meeting closed at 6.08pm.