

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, 12 OCTOBER 2021
at 5.00pm

Hannah Bateman
Assessment Manager

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1 MEETING OPENED

The Presiding Member declared the meeting open at 5.02pm.

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:

Ms Hannah Bateman (Manager City Development and Assessment Manager)
Ms Rachel Knuckey (Team Leader Planning)
Ms Sonia Gallarello (Senior Development Officer - Planning)
Mr Phil Smith (Senior Development Officer - Planning)
Ms Lauren Cooke (Development Officer - Planning)
Mr Seb Anderson (Development Technician, Minute Taker)

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 14 September 2021 be confirmed as a true and correct record.

COUNCIL ASSESSMENT PANEL DECISION

Moved: K Corolis
Seconded: J Strange

That the recommendation be adopted.

CARRIED

5 DISCLOSURE STATEMENTS

Nil

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 Transitional Applications

6.1.1 2 Herbert Road, ASHFORD

Application No 211/104/2021

Appearing before the Panel were:

Representors: **Adrian Benz** of 4 Herbert Road, Ashford appeared in support of the representation.

Matt Harris of 7 Herbert Road, Ashford appeared in support of the representation.

Applicant: **Tony Ienco** of Scleri Constructions 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 and Land Division Consent for Application No. 211/104/2021 by Scleri Constructions Pty Ltd to undertake Combined Application: Land division - Community Title; SCAP No. 211/C009/21, create three (3) additional allotments and common property; and construction of a two-storey residential flat building containing four (4) dwellings and associated landscaping at 2 Herbert Road, Ashford (CT6254/147) 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:
 - Plan of Division (Ref No. 20-292B dated 28/01/21) prepared by Cavallo Forest Licensed Surveyors);
 - Site Plan prepared by Three Six Five Design Studio (Drawing No. 01 of 05, Issue D dated 22/09/21);
 - Ground Plans prepared by Three Six Five Design Studio (Drawing No. 02 of 05, Issue D dated 22/09/21);
 - Upper Plans prepared by Three Six Five Design Studio (Drawing No. 03 of 05, Issue D dated 22/09/21);
 - Elevations prepared by Three Six Five Design Studio (Drawing No. 04 of 05, Issue D dated 22/09/21);
 - Party Wall Details prepared by Three Six Five Design Studio (Drawing No. 05 of 05, Issue D dated 22/09/21);
 - Turn Path Assessment prepared by Cirqa (Sheet 01, Version D dated 25/05/21); and
 - Site Works & Drainage Plan prepared by Gama Consulting (Drawing No. 201087, Revision B dated 03/06/21);

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. The stormwater connection through the road verge area shall be constructed of shape and material to satisfy Council's standard requirements as follows:
 - 100 x 50 x 2mm RHS Galvanised Steel; or
 - 125 x 75 x 2mm RHS Galvanised Steel; or
 - Multiples of the above.

Reason: To maintain existing Council infrastructure.

4. All stormwater management measures for the development approved herein, including harvest tanks and supply mechanisms shall be installed and operational prior to the occupation of the development.

Reason: To ensure that adequate provision is made for the management of stormwater.

5. The rainwater tank for all dwellings shall be plumbed to deliver recycled water to all toilets and laundry cold water outlets and shall be connected prior to occupation of the dwellings.

Reason: To ensure that adequate provision is made for the collection and dispersal of stormwater

6. A minimum of 90 percent of the roof area of each dwelling shall be plumbed to the rainwater tank for that dwelling and completed prior to the occupation of the dwellings.

Reason: To ensure that adequate provision is made for the collection and dispersal of stormwater

7. 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

8. All landscaping shall be planted in accordance with the approved plans (Site Plan prepared by Three Six Five Design Studio (Drawing No. 01 of 05, Issue D dated 22/09/21) and incorporate an appropriate irrigation system within three (3) months of 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 plants which may become diseased or die.

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

9. The upper storey windows of all dwellings (except for the south-facing windows of Dwelling 1) shall be fitted with fixed obscure glass or raised sills to a minimum height of 1.7 metres above the upper floor level to minimise the potential for direct overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows shall be maintained to the satisfaction of Council at all times.

Reason: To maintain the privacy of neighbouring residents

10. No aboveground structures, such as letterboxes, service meters or similar are to be installed within the common driveway entrance and passing area.

Reason: To ensure safe and convenient vehicle access

11. The bin storage enclosure shall be kept clean and tidy at all times with bins cleaned regularly to minimise odour.

Reason: To minimise odour and to maintain the amenity of neighbouring properties

12. All redundant crossovers along the road frontage shall be closed and reinstated with kerb and gutter to the satisfaction of Council prior to occupation of the development.

Reason: To ensure safe and convenient vehicle access and to maintain on-street parking

Land Division Consent Conditions

State Commission Assessment Panel Requirements

13. The financial requirements of the SA Water Corporation 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 in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

14. Payment of \$23,283.00 into the Planning and Development fund (3 Allotments @ \$7761.00/lot). 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 State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders Street, Adelaide.

15. 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.

NOTES

- City Operations has considered the health, structure, form, useful life expectancy and age of the existing street tree and will support the removal. Payment of a fee of \$1750.00 will be required prior to the commencement of any work.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.1.2 597-601 Tapleys Hill Road, FULHAM

Application No DA 211/1248/2020

Appearing before the Panel were:

Representor: **Ms Antonia Dzombic** of 603 Tapleys Hill Road, Fulham appeared in support of the representation.

Applicant: **Mr Josh Skinner** from URPS appeared in response to the representation.

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. 211/1248/2020 by SLP Pty Ltd to undertake the Construction of alterations and additions to existing building including new shop and installation of illuminated fascia signage at 597-601 Tapleys Hill Road (CT5283/644) subject to the following conditions of consent and reserved matters:

Reserved Matter/s:

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*:

- For the rear carpark area, stormwater detention requirement calculations are to be provided to limit the peak stormwater discharge for the site of a 20 year ARI critical storm event to the equivalent of a pre-development flow rate with a 0.25 run-off coefficient to the satisfaction of Council.
- For the rear carpark area, stormwater quality measures are to address the removal of stormwater pollutants from the stormwater flow exiting the site.

Recommended targets include:

Parameter	Target
Reduction Litter/Gross Pollutant	90%*
Reduction in Average Annual Total Suspended Solids (TSS)	80%*
Reduction in Average Annual Total Phosphorous (TP)	60%*
Reduction in Average Annual Total Nitrogen (TN)	45%*

* Reduction as compared to an equivalent catchment with no water quality management controls.

3. A more detailed landscaping plan shall be provided indicating the numbers and types of plantings to be planted within the designated landscaped areas as per Site Plan by Superior Land Projects (SLP) Job Code 86120, revision E dated 26 August 2021 to the satisfaction of Council.

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:
 - Site Plan and elevations by Superior Land Projects (SLP), Job Code 86120, Revision E dated 26 August 2021;
 - Letter by SLP Pty Ltd dated 30 August 2021.

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

2. Access to the rear carpark shall be limited to vehicles of a size no greater than a passenger sized vehicle, therefore excluding SRVs or MRVs. Loading and unloading with the use of larger vehicles shall be to the front of the site. Restricted size vehicles shall be appropriately signed.

Reason: To avoid vehicular conflict.

3. 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.

4. Prior to the occupation or use of the development, all car parking spaces shall be line marked and have wheel stops installed 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 and to protect landscaping and fencing

5. 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.

6. All external materials, surface finishes and colours shall be consistent with the information detailed in this application and shall be maintained in a good condition at all times to the reasonable satisfaction of Council.

Reason: To ensure a high standard of materials and finishes are used in the final presentation of the building that are complimentary to those of the existing building.

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 / users / motorists.

9. The illumination of the sign shall be such that no hazard, nuisance or discomfort is caused to any person beyond the site, including passing motorists and adjoining residents, and shall be maintained to the reasonable satisfaction of Council at all times.

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

10. All external lights on the subject site shall be directed, screened and of such limited intensity that overspill of light into nearby premises is avoided and no nuisance or loss of amenity is caused to any person beyond the site, including passing motorists.

Reason: To ensure that the proposed lighting does not cause undue disturbance, annoyance or inconvenience to the general public / adjoining landowners / users / motorists.

11. Access to the rear carparking area shall be restricted from 9.30pm to 6am on any given day and this shall be appropriately signed with restrictions in place.

Reason: To reduce the potential for noise disturbance to the adjacent neighbours.

12. The bin storage enclosure shall be kept and tidy at all times with bins cleaned regularly to minimise odour.

Reason: To minimise odour and to maintain the amenity of neighbouring properties.

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. 211/1248/2020 by SLP Pty Ltd to undertake the Construction of alterations and additions to existing building including new shop and installation of illuminated fascia signage at 597-601 Tapleys Hill Road (CT5283/644) subject to the following conditions of consent and reserved matters:

Reserved Matter/s:

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. For the rear carpark area, stormwater detention requirement calculations are to be provided to limit the peak stormwater discharge for the site of a 20 year ARI critical storm event to the equivalent of a pre-development flow rate with a 0.25 run-off coefficient to the satisfaction of Council.
2. For the rear carpark area, stormwater quality measures are to address the removal of stormwater pollutants from the stormwater flow exiting the site.

Recommended targets include:

Parameter	Target
Reduction Litter/Gross Pollutant	90%*
Reduction in Average Annual Total Suspended Solids (TSS)	80%*
Reduction in Average Annual Total Phosphorous (TP)	60%*
Reduction in Average Annual Total Nitrogen (TN)	45%*

* Reduction as compared to an equivalent catchment with no water quality management controls.

3. A more detailed landscaping plan that also indicates landscaping to replace the two car parking spaces and beyond on the western boundary shall be provided indicating the numbers and types of plantings to be planted within the designated landscaped areas as per Site Plan by Superior Land Projects (SLP) Job Code 86120, revision E dated 26 August 2021 to the satisfaction of Council.

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:
 - Site Plan and elevations by Superior Land Projects (SLP), Job Code 86120, Revision E dated 26 August 2021;
 - Letter by SLP Pty Ltd dated 30 August 2021.

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

2. Access to the rear carpark shall be limited to vehicles of a size no greater than a passenger sized vehicle, therefore excluding SRVs or MRVs. Loading and unloading with the use of larger vehicles shall be to the front of the site. Restricted size vehicles shall be appropriately signed.

Reason: To avoid vehicular conflict.

3. 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.

4. Prior to the occupation or use of the development, all car parking spaces shall be line marked and have wheel stops installed 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 and to protect landscaping and fencing

5. 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.

6. All external materials, surface finishes and colours shall be consistent with the information detailed in this application and shall be maintained in a good condition at all times to the reasonable satisfaction of Council.

Reason: To ensure a high standard of materials and finishes are used in the final presentation of the building that are complimentary to those of the existing building.

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 / users / motorists.

9. The illumination of the sign shall be such that no hazard, nuisance or discomfort is caused to any person beyond the site, including passing motorists and adjoining residents, and shall be maintained to the reasonable satisfaction of Council at all times.

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

10. All external lights on the subject site shall be directed, screened and of such limited intensity that overspill of light into nearby premises is avoided and no nuisance or loss of amenity is caused to any person beyond the site, including passing motorists.

Reason: To ensure that the proposed lighting does not cause undue disturbance, annoyance or inconvenience to the general public / adjoining landowners / users / motorists.

11. Access to the rear carparking area shall be restricted from 9.30pm to 6am on any given day and this shall be appropriately signed with restrictions in place.

Reason: To reduce the potential for noise disturbance to the adjacent neighbours.

12. The bin storage enclosure shall be kept and tidy at all times with bins cleaned regularly to minimise odour.

Reason: To minimise odour and to maintain the amenity of neighbouring properties.

6.1.3 4 Lydia Street, PLYMPTON

Application No 211/178/2020

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 REFUSE Development Plan Consent, for Application No. 211/178/2020 by Harmendar Athwal to change the land use from a dwelling to a shop (café) with associated car parking at 4 Lydia Street, Plympton (CT 5670/726) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 12 July 2018:

- General Section (Transportation and Access) Objective 2

Reason: The proposal would intensify the use of the land and result in additional car parking demands which cannot be met on-site.

- General Section (Transportation and Access) Principles of Development Control 34

Reason: The proposal would intensify the use of the land and result in additional car parking demands which cannot be met on-site.

- General Section (Transportation and Access) Principles of Development Control 35

Reason: The proposal has not been designed to Australian Standards.

- General Section (Transportation and Access) Principles of Development Control 36
Reason: The proposal will result in unsafe traffic circulation and vehicles reversing onto the street.
- General Section (Interface between Land Uses) Principle of Development Control 8
Reason: The proposal would intensify noise on the site that has not been sufficiently ameliorated to protect adjoining sensitive land uses.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

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 - October 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

Nil

11 MEETING CLOSE

The Presiding Member declared the meeting closed at 6.24pm.