

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 APRIL 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)  
Mr Brendan Fewster (Development Assessment Consultant)  
Ms Sonia Gallarello (Senior Development Officer - Planning)

## 3 APOLOGIES

Nil

## 4 CONFIRMATION OF MINUTES

### RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 9 March 2021 be confirmed as a true and correct record.

### COUNCIL ASSESSMENT PANEL DECISION

Moved: Mr Michael Arman  
Seconded: Ms Jane Strange

That the recommendation be adopted.

**CARRIED**

## 5 DISCLOSURE STATEMENTS

Nil

## 6 REPORTS OF THE ASSESSMENT MANAGER

### 6.1 Transitional Applications

#### 6.1.1 Tenancy 12A - 140-150 Railway Terrace, MILE END

Application No 211/969/2020

Appearing before the Panel were:

Applicant: **Damien Dawson** of Planning Chambers appeared to respond to questions of the Panel.

### 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. 211/969/2020 by Mr Andrew O'Loughlin for change of use from bulky goods outlet to shop (Tenancy 12A) and advertising signage - Non-Complying at Tenancy 12A - 140-150 Railway Terrace, MILE END (CT 6153/843 & 6154/506) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 21 May 2020:

- Bulky Goods Zone Objective 1 and 2  
*Reason: The proposed shop is not an envisaged land use within the Bulky Goods Zone as it would incrementally undermine the on-going function of the Bulky Goods Zone and that of nearby shopping and centre zones.*
- Bulky Goods Zone Principles of Development Control 1, 2, 7 and 11  
*Reason: The proposed shop is not an envisaged land use within the Bulky Goods Zone as it would incrementally undermine the on-going function of the Bulky Goods Zone and that of nearby shopping and centre zones.*
- General Section (Orderly and Sustainable Development) Objectives 4 and 5  
*Reason: The proposed use of the land would incrementally undermine the on-going function of the Bulky Goods Zone and that of nearby shopping and centre zones.*
- General Section (Orderly and Sustainable Development) Principles of Development Control 1  
*Reason: The proposed use of the land would incrementally undermine the on-going function of the Bulky Goods Zone and that of nearby shopping and centre zones.*
- General Section (Transportation and Access) Objectives 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.*

### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

### 6.1.2 11 Clifford Avenue, KURRALTA PARK

Application No 211/1235/2020

Appearing before the Panel were:

Applicant: **Pip Metljak** of Botton Levinson Lawyers appeared in support of the application.

**Dylan Tempest** of Tertiary Tree Consulting appeared to respond to questions of the Panel.

#### 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 and Development Approval for Application No. 211/1235/2020 by Jessie Tempest of Tertiary Tree Consulting to undertake the removal of a significant tree - *Eucalyptus camaldulensis* (River Red Gum) at 11 Clifford Avenue, Kurralta Park (CT 5748/653) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 21 May 2020:

- 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 trees make an important contribution to the character and amenity of the local area, provide an important habitat for native fauna, are important to the maintenance of biodiversity in the local environment and form notable visual elements to the landscape of the local area.*
- General Section, Significant Trees PDC 3(a), (b), (c), (d) & (e)  
*Reason: The trees are not diseased, their life expectancy is not short, they do not represent an unacceptable risk to public or private safety (providing pruning occurs), they are not currently causing or threatening to cause substantial damage to a substantial building or structure of value, they are 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.

### 6.1.3 14 Rowells Road, LOCKLEYS

Application No 211/225/2021

#### 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 Development Approval for Application No. 211/225/2021 by Robbie Laycock - Burbank Australia (SA) to undertake Tree damaging activity - cutting of roots of significant tree - *Eucalyptus camaldulensis* (River Red Gum) at 14 Rowells Road, LOCKLEYS (CT 6187/859) 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 prior to occupation of the development except where varied by any conditions listed below:
  - Site layout plan by Intrax Housing.

*Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.*
2. The following treatments for the significant tree shall be carried out within 2 months from the date of this development approval:
  - Backfilling the trench with soil.
  - Mulching around the tree with organic material to a depth of 75-100mm.
  - Install a temporary dripper irrigation system under the crown and to the extent of the crown for a period of six months.

Reason: To assist the health of the significant tree during the course of development.

#### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

### 6.2 PDI Act Applications

Nil

## 7 PLANNING REFORM IMPLEMENTATION

### 7.1 Public Notification in the Planning and Design Code

This report provides information to the Council Assessment Panel (CAP) on public notification requirements for performance assessed development identified in the Planning and Design Code under the *Planning, Development and Infrastructure Act 2016*.

#### RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. The report be received.

OR

- 2. The Council Assessment Panel hold a workshop to review its delegations.

OR

- 3. The Administration prepare a draft revised Instrument of Delegations to present to the next Council Assessment Panel meeting to implement the following changes:

- .....
- .....
- .....

**COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the Council Assessment Panel hold a workshop within six months to review its delegations.

**7.2 Powers of Assessment Manager delegated to the Council Assessment Panel under the Planning, Development and Infrastructure Act 2016**

This report provides information on the delegation of the Assessment Manager's powers and functions as a relevant authority to the Council Assessment Panel under the *Planning, Development and Infrastructure Act 2016*.

**RECOMMENDATION**

It is recommended to the Council Assessment Panel that the report be received.

**COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

**8 REVIEW OF ASSESSMENT MANAGER DECISION**

Nil

**9 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER**

Nil

**10 RELEVANT AUTHORITY ACITIVITES REPORT**

**10.1 Activities Summary - April 2021**

This report presented information in relation to:

- 1. Any planning appeals before the Environment, Resources and Development (ERD) Court where the CAP is the relevant authority;
- 2. Summary of applications that have been determined under delegated authority where Council Assessment Panel (CAP) is the relevant authority;
- 3. Any deferred items previously considered by the CAP; and
- 4. 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.

**11 OTHER BUSINESS****11.1 Council Assessment Panel Apology - Ms Jane Strange**

Ms Jane Strange advised that she will be an apology for the Council Assessment Panel meeting on Tuesday 11 May 2021.

**11.2 Review of Council Assessment Panel Meeting Procedures**

Ms Hannah Bateman advised Panel members that the meeting procedures may warrant review prior to the consideration of the first application lodged in accordance with the *Planning, Development and Infrastructure Act 2016*. Revised meeting procedures, with particular regard to the changes to representations, will be prepared for the Panel consideration.

**12 MEETING CLOSE**

The Presiding Member declared the meeting closed at 6.00pm.