

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

WEDNESDAY, 20 JANUARY 2021
at 5.00pm

Hannah Bateman
Assessment Manager

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1 MEETING OPENED

The Presiding Member declared the meeting open at 5.03pm

1.1 Acknowledgement of Country

The Presiding Member read out an Acknowledgement of Country to the gallery.

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

3 APOLOGIES

Apologies

Officers:

Mr Terry Buss (Chief Executive Officer)
Mr Angelo Catinari (General Manager Urban Services)

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Special Council Assessment Panel held on 16 December 2020 be confirmed as a true and correct record.

COUNCIL ASSESSMENT PANEL DECISION

Moved: M Arman
Seconded: J Strange

That the recommendation be adopted.

CARRIED

5 DISCLOSURE STATEMENTS

Nil

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 Appointment of Deputy Presiding Member

This report sought the appointment of the Deputy Presiding Member to the Council Assessment Panel.

RECOMMENDATION

It is recommended to the Council Assessment Panel that it appoints as its Deputy Presiding Member pursuant to Section 83(1)(b)(vi) of the *Planning, Development and Infrastructure Act 2016* for the period 20 January 2021 to 31 December 2022.

COUNCIL ASSESSMENT PANEL DECISION

That the Council Assessment Panel appoints Mr Michael Arman as its Deputy Presiding Member pursuant to Section 83(1)(b)(vi) of the *Planning, Development and Infrastructure Act 2016* for the period 20 January 2021 to 31 December 2022.

6.2 4 Wood Street, KURRALTA PARK

Application No 211/394/2020

Appearing before the Panel were:

Representor: **Carlo Cocci** on behalf of Carmela Cocci of 6 Wood Street, Kurralta Park did not appear in support of the representation.

Michael Underwood of 37A Mortimer Street, Kurralta Park did not appear in support of the representation.

Applicant: **Adam Williams** from Access Planning on behalf of the applicant, Ms Wei Chao, did not appear in response to the representations but was available to respond to questions of the Panel.

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 and Land Division Consent for Application No. 211/394/2020 by Ms Wei Chao to undertake a Combined Land division - Community Title; SCAP No. 211/C038/20; create four (4) additional allotments and common property; and construction of a two-storey residential flat building comprising five (5) dwellings, alfresco and fencing and retaining combined to a maximum total height of 3 metres at 4 Wood Street, Kurralta Park (CT5741/583) subject to the following reserved matters and conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the *Development Act 1993*):

Reserved matter:

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 more detailed landscaping plan that includes a suitable mix of plant species along the street frontage, common driveway, private open space areas and around the curtilage of the building to soften the built form and paved areas and to assist in minimizing heat loads.

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 prior to occupation of the development except where varied by any conditions listed below:

- Survey Plan by Carmelo Castelanelli Ref No 2 11 20;
- Site Plan, Floor plans, Elevations by TK Building Design, Sheets 1 to 9, Revision G;
- Arborist report by Arborman Tree Solutions, Reference No ATS5973-04WooStDIR;
- Sitework plan by Anzas and Associates Pty Ltd Drawing 1-2, Ref ZS/5366;
- Letter from Decon Technologies dated 24 November 2020.

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

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. 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 good condition at all times to the satisfaction of Council.

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

4. All landscaping shall be planted in accordance with the approved plans within three (3) months of the occupancy of the development or 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.

5. 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.

6. The upper level southern (excluding Bedroom 2 sliding door for Dwellings 1 to 5), western and northern windows of all dwellings shall be installed with fixed obscure glass to a minimum height of 1.7 metres from the upper floor level prior to occupation of the dwelling, and shall be maintained in good condition at all times to the satisfaction of Council. Where upper level windows have a sill height greater than 1.7 metres, these windows may contain clear glazing.

Reason: To maintain the impact on privacy to residents of adjoining dwellings.

7. The southern facing balconies for Dwellings 1-5 shall have fixed obscure glass balustrades installed to a minimum height of 1.7 metres from the upper floor level prior to occupation of the dwelling, and shall be maintained in good condition at all times to the satisfaction of Council.

Reason: To maintain the impact on privacy to residents of adjoining dwellings.

8. No above-ground structures such as letterboxes, service metres or similar shall be installed within the common driveway entrance and passing area.

Reason: To avoid conflict between services and vehicle manoeuvring areas.

9. The bin storage area 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.

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

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

11. All stormwater management measures for each dwelling, including harvest tanks and supply mechanisms, must be installed and operational prior to occupancy. A minimum of 90 percent of the roof area of each dwelling must be plumbed to direct stormwater runoff to the rainwater tank for that dwelling.

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

12. The significant tree located at 9 Daly Street identified for retention on the approved plans herein granted consent shall be protected during the entire construction period of the development.

The area in which the tree's branches and roots are located shall be protected by the erection of a secure fence prior to the commencement of any building work on the subject land. The following requirements shall be complied with to the reasonable satisfaction of Council:

- The fence shall consist of a 1.8 metre high solid, chain mesh, steel or similar fabrication.
- A clearly legible sign displaying the words "Tree Protection Zone - Keep Out" shall be positioned on each side of the fence.

- The fence shall not be erected closer to the tree than 15 metres, except when working on the construction of the development where it shall be temporarily shifted.
- The applicant or the person(s) having the benefit of this consent shall ensure that the fence is maintained in good order and remains in place around the tree throughout the course of the construction of the development.
- Any work required to be undertaken within the Tree Protection Zone shall be conducted using non-destructive excavation methods (hand digging or Hydro Vac set at a pressure no greater than 700psi).
- Any paving within the Tree Protection Zone should be constructed of permeable paving.
- No materials, soil or vehicles shall be stored within the Tree Protection Zone.
- At each service installation by SA Water, Gas contractors, Telstra NBN and the like, notification must be given to Council's Arboriculture staff (ph. 8416 6332) of the proposed installation date and method of the service.
- All personnel and contractors should be briefed regarding the purpose of the Tree Protection Zone and activities prohibited within the Tree Protection Zone.

Reason: To ensure that the health of the significant tree is not adversely affected during the course of development.

13. The redundant crossover on Wood Street shall be closed and reinstated to Council's kerb and gutter standards.

Reason: To ensure clear access to the site and maintain the amenity of the locality.

Land Division Consent Conditions Council Requirements

Nil

State Assessment Planning Commission Requirements

14. 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 the SA Water Corporation.

15. Payment of \$30464 into the Planning and Development Fund (4 allotment(s) @ \$7616/allotment). 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 Department for Planning, Infrastructure and Transport 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 the State Commission Assessment Panel.

16. 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 (SCAP) for Land Division Certificate purposes.

Reason: To satisfy the requirements of the State Commission Assessment Panel.

Note:

1. The noise level of any fixed noise sources, such as air conditioning, pool pumps or water pumps should be in accordance with the Local Nuisance and Litter Control Act 2016. This specifies that the noise level generated from fixed machinery should be maintained at levels where no adverse impact on an amenity value of an area is caused by noise, and has avoided travelling to a habitable room or an outdoor courtyard or entertainment area, on neighbouring premises, at such a level that it should not constitute an unreasonable interference with the enjoyment of the neighbouring premises by persons occupying those premises.
2. Alteration to the Telstra pit shall be at the applicant's expense.

COUNCIL ASSESSMENT PANEL DECISION

Moved: J Strange

Seconded: M Arman

The Panel resolved that the recommendation be adopted.

CARRIED

6.3 183 Holbrooks Road, UNDERDALE

Application No 211/466/2020

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. 211/466/2020 by Ferrone Architects for demolition of existing building and construction of a single storey commercial building comprising offices, coffee shop, signage and associated car parking and landscaping (Non-Complying) at 183 Holbrooks Road, Underdale (CT 6213/83) subject to the following Reserved Matter and conditions of consent (and any subsequent or amended condition that may be required as a result of the consideration of reserved matters under Section 33(3) of the *Development Act 1993*):

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. Details for the provision of two bicycle parking rails adjacent to the front entrance.

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 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:
 - Proposed Site Layout prepared by Ferrone Architects, Drawing No. PD.100, Rev C dated 15/10/20
 - Ground Floor Plan prepared by Ferrone Architects, Drawing No. PD.200, Rev C dated 15/10/20
 - South & West Elevations prepared by Ferrone Architects, Drawing No. PD.300, Rev B dated 20/07/20
 - North & East Elevations prepared by Ferrone Architects, Drawing No. PD.301, Rev B dated 20/07/20
 - External Colour Selections South & West Elevations prepared by Ferrone Architects, Drawing No. PD.302, Rev A dated 15/10/20
 - External Colour Selections North & East Elevations prepared by Ferrone Architects, Drawing No. PD.303, Rev A dated 15/10/20
 - Proposed Landscape Documentation prepared by LSC Landscapes, Drawing No. LS.079.20.001 dated 23/09/20
 - Proposed Landscape Plan prepared by LSC Landscapes, Drawing No. LS.079.20.002 dated 23/09/20
 - Civil & Stormwater Management Plan prepared by Triaxial Consulting, Drawing No. C3.00 dated October 2020
 - Stormwater Calculation Package prepared by Triaxial Consulting dated 15/10/20
 - Waste Management Plan prepared by Rawtec Pty Ltd dated 09/09/20
 - Statement of Effect prepared by Ben Green & Associates dated September 2020
2. The operation of the development approved herein shall be between the following hours:
 - Offices - 8.30am to 5.00pm Monday to Friday; and
 - Coffee shop - 7.00am to 9.00pm Monday to Saturday and 7.00am to 5.00pm Sunday and Public Holidays.

Reason: To ensure minimal disturbance to surrounding properties.

3. Waste collection and the delivery of goods shall take place between the hours of 7.00am and 7.00pm Monday to Saturday with vehicles to access the site during off peak times.

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

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. All landscaping shall be planted in accordance with the approved plans (Proposed Landscape Documentation prepared by LSC Landscapes, Drawing No. LS.079.20.001 dated 23/09/20 & Proposed Landscape Plan prepared by LSC Landscapes, Drawing No. LS.079.20.002 dated 23/09/20) prior to 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

11. The bin storage area 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. Floodlighting within car park and around the building 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.

13. The advertising display approved herein shall not be internally illuminated or contain any elements that flash, scroll or move.

Reason: To maintain visual amenity and traffic safety.

Department for Infrastructure and Transport Conditions

14. All vehicular access shall be gained in accordance with the existing accesses in Site Plan produced by Ferrone, Drawing No. PD.100, Rev. C, dated 15 October 2020.
15. All vehicles shall enter and exit the site in a forward direction.
16. The redundant portions of crossover on Holbrooks Road shall be closed and reinstated to Council's kerb and gutter standards.
17. The access and all on-site vehicle manoeuvring areas shall remain clear of any impediments.
18. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Holbrooks Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

COUNCIL ASSESSMENT PANEL DECISION

Moved: G Nitschke

Seconded: J Strange

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. 211/466/2020 by Ferrone Architects for demolition of existing building and construction of a single storey commercial building comprising offices, coffee shop, signage and associated car parking and landscaping (Non-Complying) at 183 Holbrooks Road, Underdale (CT 6213/83) 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:
 - Proposed Site Plan prepared by Ferrone Architects, Drawing No. PD.100, Rev D dated 18/01/21
 - Ground Floor Plan prepared by Ferrone Architects, Drawing No. PD.200, Rev D dated 18/01/21
 - South & West Elevations prepared by Ferrone Architects, Drawing No. PD.300, Rev B dated 20/07/20
 - North & East Elevations prepared by Ferrone Architects, Drawing No. PD.301, Rev B dated 20/07/20
 - External Colour Selections South & West Elevations prepared by Ferrone Architects, Drawing No. PD.302, Rev A dated 15/10/20
 - External Colour Selections North & East Elevations prepared by Ferrone Architects, Drawing No. PD.303, Rev A dated 15/10/20
 - Proposed Landscape Documentation prepared by LSC Landscapes, Drawing No. LS.079.20.001 dated 23/09/20

- Proposed Landscape Plan prepared by LSC Landscapes, Drawing No. LS.079.20.002 dated 23/09/20
 - Civil & Stormwater Management Plan prepared by Triaxial Consulting, Drawing No. C3.00 dated October 2020
 - Stormwater Calculation Package prepared by Triaxial Consulting dated 15/10/20
 - Waste Management Plan prepared by Rawtec Pty Ltd dated 09/09/20
 - Statement of Effect prepared by Ben Green & Associates dated September 2020
2. The operation of the development approved herein shall be between the following hours:
- Offices - 8.30am to 5.00pm Monday to Friday; and
 - Coffee shop - 7.00am to 9.00pm Monday to Saturday and 7.00am to 5.00pm Sunday and Public Holidays.

Reason: To ensure minimal disturbance to surrounding properties.

3. Waste collection and the delivery of goods shall take place between the hours of 7.00am and 7.00pm Monday to Saturday with vehicles to access the site during off peak times.

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

4. 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.

5. 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.

6. 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.

7. 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.

8. 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:
- Result in the entry of water into a building; or
 - Affect the stability of a building; or
 - Create unhealthy or dangerous conditions on the site or within the building; or
 - Flow or discharge onto the land of an adjoining owner; or
 - Flow across footpaths or public ways.

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

9. 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.

10. All landscaping shall be planted in accordance with the approved plans (Proposed Landscape Documentation prepared by LSC Landscapes, Drawing No. LS.079.20.001 dated 23/09/20 & Proposed Landscape Plan prepared by LSC Landscapes, Drawing No. LS.079.20.002 dated 23/09/20) prior to 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

11. The bin storage area 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. Floodlighting within car park and around the building 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.

13. The advertising display approved herein shall not be internally illuminated or contain any elements that flash, scroll or move.

Reason: To maintain visual amenity and traffic safety.

Department for Infrastructure and Transport Conditions

14. All vehicular access shall be gained in accordance with the existing accesses in Site Plan produced by Ferrone, Drawing No. PD.100, Rev. C, dated 15 October 2020.
15. All vehicles shall enter and exit the site in a forward direction.
16. The redundant portions of crossover on Holbrooks Road shall be closed and reinstated to Council's kerb and gutter standards.

17. The access and all on-site vehicle manoeuvring areas shall remain clear of any impediments.
18. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Holbrooks Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

CARRIED

6.4 588-592 Henley Beach Road, FULHAM

Application No 211/1002/2020

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. 211/1002/2020 by S Urban to construct signage in association with an existing child care centre at 588-592 Henley Beach Road, Fulham (CT 5584/849) 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 condition(s) listed below:

- Plan Set by WASP, job number Q15411, dated 8 October 2020.

Reason: To ensure the proposal is developed in accordance with the approved plans and documentation.

2. The signage approved herein shall not be internally illuminated, and shall not move or flash.

Reason: To ensure the development does not cause undue distraction to motorists.

3. The signage approved herein shall be maintained in good condition at all times to the satisfaction of Council.

Reason: To ensure the development does not negatively impact on the locality.

4. The signage approved herein shall only display advertising in relation to the approved use of the land.

Reason: To ensure the development is not used as third-party advertising.

COUNCIL ASSESSMENT PANEL DECISION

Moved: J Strange

Seconded: K Corolis

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. 211/1002/2020 by S Urban to construct signage in association with an existing child care centre at 588-592 Henley Beach Road, Fulham (CT 5584/849) 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 condition(s) listed below:

- Plan Set by WASP, job number Q15411, dated 8 October 2020.

Reason: To ensure the proposal is developed in accordance with the approved plans and documentation.

2. The signage approved herein shall not be internally illuminated, and shall not move or flash.

Reason: To ensure the development does not cause undue distraction to motorists.

3. The signage approved herein shall be maintained in good condition at all times to the satisfaction of Council.

Reason: To ensure the development does not negatively impact on the locality.

4. The signage approved herein shall only display advertising in relation to the approved use of the land.

Reason: To ensure the development is not used as third-party advertising.

5. Any external illumination of the signage approved herein shall be such that no hazard, difficulty or discomfort is caused to either approaching drivers on adjacent public roads or nuisance to adjoining residents.

Reason: To ensure the development does cause undue distraction to motorists.

CARRIED

6.5 1 Iluka Street, GLENELG NORTH

Application No 211/1011/2020

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, Land Division Consent and Development Approval for Application No. 211/1011/2020 by T J Shephard for a Land division - Community Title; SCAP No. 211/C125/20; Create one (1) additional allotment and common property at 1 Iluka Street, Glenelg North (CT5611/773) 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:

Land Division Consent Conditions

Council Requirements

Nil

SCAP Requirements

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.
3. Payment of \$7761.00 into the Planning and Development Fund (1 allotment(s) @ \$7761.00/allotment). 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 Department, 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.
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.

COUNCIL ASSESSMENT PANEL DECISION

Moved: M Arman

Seconded: G Nitschke

The Panel resolved that the recommendation be adopted.

CARRIED

6.6 Code of Conduct and Complaints Handling Process

This report provided information regarding the Code of Conduct and complaints handling process from the State Planning Commission.

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.

7 PLANNING REFORM IMPLEMENTATION

7.1 Standing Referral for Building Rules Assessment

This report presented a standing referral for Building Rules assessment from the Council Assessment Panel (CAP) to Council for endorsement.

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. The City of West Torrens Council Assessment Panel determines to act under Section 99(1)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act) in relation to all development applications received by it that involve the performance of building work.
2. Pursuant to Section 99(1)(c) of the Act, where the City of West Torrens Council Assessment Panel has determined to act under Section 99(1)(b) of the Act, the City of West Torrens Council Assessment Panel refers the assessment of the development in respect of the Building Rules to the City of West Torrens.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

7.2 Delegations under the Planning, Development and Infrastructure Act 2016

This report provided information and seeks the Council Assessment Panel's (CAP) decision on the approach to the delegation of powers and functions under the *Planning, Development and Infrastructure Act 2016*.

RECOMMENDATION

It is recommended to the Council Assessment Panel that the instrument for delegations under the *Planning, Development and Infrastructure Act 2016* be presented to a future meeting of the Council Assessment Panel that includes granting power to the Assessment Manager and Chief Executive Officer of the City of West Torrens to:

- a. Perform the various duties and responsibilities for the efficient processing of development applications.

- b. Assess and determine development applications where no valid representations are received, valid representations are withdrawn, or where no valid representor wishes to be heard in support of their representation, except where the relevant application is for:
 - i. Demolition of a building (except an ancillary building), one or more new dwellings and/or land division creating one or more new allotments in an Historic Area Overlay; or
 - ii. Residential development of three or more storeys above finished ground level; or
 - iii. Mixed use development including residential development of three or more storeys above finished ground level.
- c. Grant planning consent for development applications which are subject to a deemed consent notice.
- d. Commence applications to the Environment, Resources and Development Court seeking orders quashing deemed consent notices in situations where the Council Assessment Panel will not meet before the application is required to be commenced, either alone or in consultation with the Presiding Member.
- e. Refuse planning consent, and not hear representors if applicable, for development applications which are nearing the end of the prescribed timeframe for determining the application, where the Council Assessment Panel will not have met before 'time' expires, and where the applicant has not agreed to extend the statutory timeframe for the Council Assessment Panel to consider the development application, either alone or in consultation with the Presiding Member.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

7.3 Policy for Council Assessment Panel Review of Decisions of the Assessment Manager

This report introduced the new Council Assessment Panel review of a decision of the Assessment Manager under the *Planning Development and Infrastructure Act 2016* and presents a proposed policy approach for the Council Assessment Panel's consideration.

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. The Local Government Association 'simplified' template *Policy for Assessment Panel Review of Decision of Assessment Manager* in **Attachment 2** of the Agenda report, with the exception of the draft resolutions, be adapted for the consideration of the Council Assessment Panel.
2. The Policy be presented to a future meeting of the Council Assessment Panel for endorsement.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

7.4 Procedures at Council Assessment Panel Meeting

This report presented potential changes to the *Procedures at Council Assessment Panel Meetings* for the Council Assessment Panel's consideration.

RECOMMENDATION

It is recommended to the Council Assessment Panel that a revised *Procedures at Council Assessment Panel Meetings*, that includes changes as described within the contents of this report, be presented to a future meeting of the Council Assessment Panel.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

Nil

9 SUMMARY OF COURT APPEALS

9.1 Summary of SCAP and ERD Court Matters - January 2021

This report presented 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.

10 OTHER BUSINESS

10.1 Post Review of CAP Decisions

Mr Kon Corolis asked the Panel if post decision reviews were conducted. Discussions ensued regarding the merit in reviewing and reflecting the decisions made by the Panel.

11 MEETING CLOSE

The Presiding Member declared the meeting closed at 6.09pm.