

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, 9 FEBRUARY 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 Procedures

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 (Chief Executive Officer - Acting)
Ms Hannah Bateman (Manager City Development and Assessment Manager)
Ms Rachel Knuckey (Team Leader Planning)
Mr Steven Burke (Development Officer Planning)
Mr Phil Smith (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 20 January 2021 be confirmed as a true and correct record.

COUNCIL ASSESSMENT PANEL DECISION

Moved: M Arman
Seconded: J Strange

That the Minutes of the meeting of the Council Assessment Panel held on 20 January 2021 be confirmed as a true and correct record with the exception of Item 10.1 - Post Review of CAP Decisions which should have the word "ensured" changed to "ensued."

CARRIED

5 DISCLOSURE STATEMENTS

The following disclosures of interest were made:

Item	Type of Conflict	Panel Member
CAP Item 6.1 264-270 South Road and 3-5 Mallen Street, Hilton	Indirect	Mr Graham Nitschke

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 264-270 South Road and 3-5 Mallen Street, HILTON

5.04pm *Mr Graham Nitschke declared an indirect conflict of interest in this item as he knows the applicant of the development and left the meeting for the discussion and vote on the item.*

Application No 211/480/2020

Appearing before the Panel were:

Representor/s: **Dan Zhao** of 18 Yaralinda Street, Dernancourt did not appear in support of the representation.

Applicant/s: **Kayla Gaskin** of Future Urban and Melissa Mellen of MFY appeared to answer 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 for Application No. 211/480/2020 by Franzons Hilton Hotel Pty Ltd to undertake the Demolition of existing dwellings (2) and bottle shop, construction of a residential flat building containing 4 dwellings, and a 5 storey residential flat building containing 30 dwellings and 1 shop - Staged Development

- Stage One: Demolition of dwellings at 3 and 5 Mallen Street and construction of temporary car park
- Stage Two: Construction of mixed-use building
- Stage Three: Demolition of existing shop and construction of car park
- Stage Four: Remediation of temporary car park and construction of residential flat building on Mallen Street at 264-270 South Road and 3-5 Mallen Street, Hilton (CT-5635/963, CT-5888/496, CT-1720/177, CT-5844/887 and CT-5522/780)

subject to the following conditions of consent and reserved matters:

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. Modified details of acoustic treatments for the development in accordance with the *Minister's Specification SA 78B - Construction requirements for the control of external sound* are to be provided to and endorsed by Council administration prior to Development Approval being granted. Such treatments must demonstrate that the occupants of the dwellings will have an acceptable level of amenity to also include all acoustic measures to comply with *Australian Standard AS2021 - Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*.
2. A Construction Environmental Management Plan (CEMP) shall be prepared and submitted to Council administration for endorsement 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 the potential for 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; and
 - 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.
3. A detailed stormwater management plan and computations for the development shall be provided to and endorsed by Council administration, prior to Development Approval being granted, and shall include the following:
 - a) Harvesting and re-use of stormwater runoff from the building and impervious surfaces that is to be designed by a suitably qualified stormwater/civil engineer to demonstrate the most economical and sustainable solution for the development;
 - b) Stormwater detention measures to demonstrate that the stormwater discharge from the development would be equivalent to having a 0.25 runoff coefficient for a critical 20-year ARI storm event; and
 - c) Stormwater quality improvement measures that are demonstrated to satisfy the State Government Water-Sensitive Urban Design policy guidelines.
4. A comprehensive landscape plan for the entire development is to be provided to and endorsed by Council administration prior to Development Approval. Such landscaping should include a variety of structured plantings (including trees) of native and indigenous species, and nominate the numbers and types of plantings within the landscape beds. Plantings shall also include deep soil planting adjacent to the mixed use residential flat building.

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.
 - The planning statement provided by Future Urban dated June 2020;
 - The plans prepared by Studio Nine Architects
Plans - NO. 0901-500-PA01, 0901-500-PA02, 0901-500-PA03, 0901-500-PA04, 0901-500-PA05 Rev B, 0901-500-PA06 Rev B, 0901-500-PA07 Rev B, 0901-500-PA08 Rev B, 0901-500-PA09, 0901-500-PA010 Rev B, 0901-500-PA011 and 0901-500-PA012;
 - The traffic report prepared by MFY dated June 2020;
 - The acoustic report prepared by Sonus dated June 2020;
 - The Waste Management Plan prepared by Future Urban dated June 2020;
 - The Stormwater Management Plan prepared by WGA dated 5 June 2020; and
 - The Preliminary Site Investigation prepared by Fyfe dated 19 June 2020;

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

2. All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage will not at any time:
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; or
 - e) Flow across footpaths or public ways.

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

3. All driveways, parking and manoeuvring areas shall 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. All parking and manoeuvring areas are to conform to the relevant Australian Standard AS 2890.

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

4. All landscaping shall be planted in accordance with the approved plans at the first available planting season. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.

A watering system shall be installed at the time landscaping is established and thereafter maintained and operated so that all plants receive sufficient water to ensure their survival and growth.

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

5. Any external lighting on the subject land and buildings must be directed and screened so that overspill of light into adjoining premises and passing motorists is minimised.

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

6. The hours of operation of the shop shall be as follows:

Monday to Thursday - 9am to 10pm
Friday-Saturday 9am-12am and
Sunday 9am-9pm
Public Holidays - Closed

Reason: To maintain the amenity of the site and locality.

7. Private collection of waste for the commercial component of the development shall be restricted to once weekly (per type of waste - i.e. general waste, recyclables, etc.), Monday to Friday, between the hours of 8am and 5pm.

Reason: To enhance the amenity of the site and locality.

8. The maximum allowable size vehicle to service the site for rubbish collection shall be no greater than a medium rigid vehicle (MRV).

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

9. That the side and rear upper level windows of the two storey dwellings shall be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows shall be maintained in reasonable condition at all times.

With respect to the mixed use building, those windows and balconies with views towards the north, are to be provided with fixed obscure glass to a minimum height of 1.8 metres above the finished floor level. The glazing in these windows/balustrades shall be maintained in reasonable condition at all times.

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

Conditions imposed upon direction/recommendation of the Department of Planning, Transport and Infrastructure

1. All building works (including services) shall be located outside of the 4.5 metres road widening requirements along both the South Road and Sir Donald Bradman Drive frontages of the site as well as the 4.5 x 4.5 metres corner cut-off at the Sir Donald Bradman Drive/Mallen Street corner.

2. The access points to the site shall be located in accordance with Studio Nine Architects Ground Floor/Site Plan, drawing number 0901-500-PA03 dated 12/06/20.
3. Parking space 58 shall be removed to ensure that there is a minimum of 6m of clear area adjacent to the South Road access point.
4. All vehicles shall enter and exit the site in a forwards direction.
5. Clear sightlines, as shown in Figure 3.3 '*Minimum Sight Lines for Pedestrian Safety*' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath. All landscaping adjacent to the access points shall have a mature height of less than 1.0 metre in order to maximise driver sight lines at these locations.
6. The largest vehicle permitted on-site shall be restricted to an 8.8 metres Medium Rigid vehicle (AS 2890.2-2018).
7. A Traffic Management Plan for the construction period of the development shall be produced to the satisfaction of DPTI and Council prior to the commencement of construction. This plan shall detail the types, volumes and distributions of traffic and how they will be managed as well as temporary car parking arrangements. All traffic movements shall be in accordance with this plan.
8. Any excavation adjacent to roads shall be designed and undertaken in a manner that does not impact on the structural stability or safety of the roads. Any damage to road assets caused by the development shall be repaired to the satisfaction of the relevant road authority at the applicant's cost.
9. All redundant crossovers shall be permanently closed and reinstated to Council's standard kerb and gutter prior to operation of the development. 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. All costs shall be borne by the applicant.
10. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Conditions imposed upon direction of Adelaide Airport Limited

1. The development as described at a height of RL 33.0m Australian Height Datum (AHD) does not penetrate the Adelaide Airport Obstacle Limitation Surface (OLS) airspace protected for aircraft operations. Any further proposed addition to the structure, including aerials, masts and vent/exhaust stacks, must be subject to a separate assessment.
2. Crane operations associated with construction shall be the subject of separate application. Adelaide Airport Limited requires 48 days prior notice of any crane operations during the construction. Crane assessment may also have to be conducted by the Civil Aviation Safety Authority (CASA).
3. Restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths.

Notes

Council (City Operations)

1. A site investigation together with the information provided has revealed that there is a will be conflict with two large existing *Platanus x acerifolia* (London Plane) street trees located on Sir Donald Bradman Drive adjacent the side of the proposed bottle shop.

It has been noted that the proposed basement carpark extends underground in close proximity to the southern property boundary adjacent Sir Donald Bradman Drive. This will impact on a large percentage of the tree protection zone (TPZ) of both trees with a high probability of destabilizing the root system of the two *Platanus x acerifolia* street trees.

Root damage is the most common form of damage to trees on development sites. This is in part due to a common misconception that trees have large, deep root systems. In fact most tree roots grow in a horizontal direction, close to the soil surface. Tree root systems are wide spreading with the majority of roots usually found in the surface 600-1000mm.

Roots may be torn by improper excavation, opening wounds for disease organisms to enter, structural support is lost by trenching or excavating too close to major roots, creating a potential hazard and this must be managed correctly as not to cause tree damaging activity. All works within the TPZ must be undertaken using non-invasive methods, through the use of air-spade/hydro -vac to prevent root damage and mitigate destabilizing the trees.

The investigation works followed up by any root pruning with suitable canopy reduction, appropriate nutrient application and supplementary watering are all works required to support the trees to reduce potential hazards and maintain their structural integrity.

City Operations will be required to undertake these works at which point will be seeking reimbursement based on 20/21 scheduled fees and charges of Arboricultural services (a quote/estimation can be provided on request).

In addition there are three existing *Platanus x acerifolia* (London Plane) street trees on the Mallen Street frontage, these existing street trees may require minor pruning to allow for construction, however please note only councils Arboricultural Staff are permitted and authorised to pruning council owned assets, and this will be undertaken at no cost.

Department of Planning Transport and Infrastructure

2. The Metropolitan Adelaide Road Widening Plan currently shows a possible requirement for a strip of land up to 4.5 metres in width along the South Road and Sir Donald Bradman Road frontages of the site, together with a 4.5 x 4.5 metres corner cut-off at the Sir Donald Bradman Drive/Mallen Street corner, for future road purposes. The consent of the Commissioner of Highways under the *Metropolitan Road Widening Plan Act 1972* is required to all building works on or within 6.0 metres of the possible requirements.

As portions of the development encroach within the 6.0 metres consent area, consent under the *Metropolitan Adelaide Road Widening Plan Act 1972* is required. The applicant should fill out the attached consent form and return it to DPTI along with three copies of the approved site plans.

COUNCIL ASSESSMENT PANEL DECISION

Moved: M Arman

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. 211/480/2020 by Franzons Hilton Hotel Pty Ltd to undertake the Demolition of existing dwellings (2) and bottle shop, construction of a residential flat building containing 4 dwellings, and a 5 storey residential flat building containing 30 dwellings and 1 shop - Staged Development

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subject to the following conditions of consent and reserved matters:

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. Modified details of acoustic treatments for the development in accordance with the *Minister's Specification SA 78B - Construction requirements for the control of external sound* are to be provided to and endorsed by Council administration prior to Development Approval being granted. Such treatments must demonstrate that the occupants of the dwellings will have an acceptable level of amenity to also include all acoustic measures to comply with *Australian Standard AS2021 - Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*.
2. A Construction Environmental Management Plan (CEMP) shall be prepared and submitted to Council administration for endorsement prior to Development Approval being granted. The plan shall provide for but not be limited to:
 - 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 the potential for 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;

- f) location of site amenities;
 - g) crane type and location e.g. mobile verses tower crane;
 - h) traffic management plan for site deliveries, rubbish removal etc.;
 - i) proposed concrete pour strategies and location of pumps and concrete trucks within the site boundaries;
 - j) layoff area for deliveries;
 - k) Scaffold / Hoarding B type (overhead protection);
 - l) Location for contractors car park;
 - m) Details of graffiti prevention of hoarding; and
 - n) Proposed location of statutory site signage and any real-estate signage marketing apartments for sale.
3. A detailed stormwater management plan and computations for the development shall be provided to and endorsed by Council administration, prior to Development Approval being granted, and shall include the following:
- a) Harvesting and re-use of stormwater runoff from the building and impervious surfaces that is to be designed by a suitably qualified stormwater/civil engineer to demonstrate the most economical and sustainable solution for the development;
 - b) Stormwater detention measures to demonstrate that the stormwater discharge from the development would be equivalent to having a 0.25 runoff coefficient for a critical 20-year ARI storm event; and
 - c) Stormwater quality improvement measures that are demonstrated to satisfy the State Government Water-Sensitive Urban Design policy guidelines.
4. A comprehensive landscape plan for the entire development is to be provided to and endorsed by Council administration prior to Development Approval. Such landscaping should include a variety of structured plantings (including trees) of native and indigenous species, and nominate the numbers and types of plantings within the landscape beds. Plantings shall also include deep soil planting adjacent to the mixed use residential flat building.
5. Details shall be prepared and submitted to Council administration for endorsement prior to Development Approval being granted in relation to mechanical and plant equipment for the mixed use building. The detail shall include:
- a) the location of plant and mechanical equipment including detail on any housing/ acoustic barriers necessary to mitigate noise impacts for both the residential and shop components;
 - b) the location of any refrigeration equipment for the shop; and
 - c) an amended acoustic report that addresses the noise impacts of all the equipment based on the land uses proposed.

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.
 - The planning statement provided by Future Urban dated June 2020;
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 - The Waste Management Plan prepared by Future Urban dated June 2020;
 - The Stormwater Management Plan prepared by WGA dated 5 June 2020; and
 - The Preliminary Site Investigation prepared by Fyfe dated 19 June 2020;

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

2. All stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage will not at any time:
 - a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; or
 - e) Flow across footpaths or public ways.

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

3. All driveways, parking and manoeuvring areas shall 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. All parking and manoeuvring areas are to conform to the relevant Australian Standard AS 2890.

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

4. All landscaping shall be planted in accordance with the approved plans at the first available planting season. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping, and shall replace any landscaping which may become diseased or die.

A watering system shall be installed at the time landscaping is established and thereafter maintained and operated so that all plants receive sufficient water to ensure their survival and growth.

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

5. Any external lighting on the subject land and buildings must be directed and screened so that overspill of light into adjoining premises and passing motorists is minimised.

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

6. The hours of operation of the shop shall be as follows:

Monday to Thursday - 9am to 10pm
Friday-Saturday 9am-12am and
Sunday 9am-9pm
Public Holidays - Closed

Reason: To maintain the amenity of the site and locality.

7. Private collection of waste for the commercial component of the development shall be restricted to twice weekly (per type of waste - i.e. general waste, recyclables, etc.), Monday to Friday, between the hours of 8am and 5pm.

Reason: To enhance the amenity of the site and locality.

8. The maximum allowable size vehicle to service the site for rubbish collection shall be no greater than a medium rigid vehicle (MRV).

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

9. That the side and rear upper level windows of the two storey dwellings shall be provided with fixed obscure glass to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows shall be maintained in reasonable condition at all times.

With respect to the mixed use building, those windows and balconies with views towards the north, are to be provided with fixed obscure glass to a minimum height of 1.8 metres above the finished floor level. The glazing in these windows/balustrades shall be maintained in reasonable condition at all times.

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

Conditions imposed upon direction/recommendation of the Department of Planning, Transport and Infrastructure

1. All building works (including services) shall be located outside of the 4.5 metres road widening requirements along both the South Road and Sir Donald Bradman Drive frontages of the site as well as the 4.5 x 4.5 metres corner cut-off at the Sir Donald Bradman Drive/Mallen Street corner.
2. The access points to the site shall be located in accordance with Studio Nine Architects Ground Floor/Site Plan, drawing number 0901-500-PA03 dated 12/06/20.
3. Parking space 58 shall be removed to ensure that there is a minimum of 6m of clear area adjacent to the South Road access point.
4. All vehicles shall enter and exit the site in a forwards direction.
5. Clear sightlines, as shown in Figure 3.3 '*Minimum Sight Lines for Pedestrian Safety*' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath. All landscaping adjacent to the access points shall have a mature height of less than 1.0 metre in order to maximise driver sight lines at these locations.
6. The largest vehicle permitted on-site shall be restricted to an 8.8 metres Medium Rigid vehicle (AS 2890.2-2018).
7. A Traffic Management Plan for the construction period of the development shall be produced to the satisfaction of DPTI and Council prior to the commencement of construction. This plan shall detail the types, volumes and distributions of traffic and how they will be managed as well as temporary car parking arrangements. All traffic movements shall be in accordance with this plan.
8. Any excavation adjacent to roads shall be designed and undertaken in a manner that does not impact on the structural stability or safety of the roads. Any damage to road assets caused by the development shall be repaired to the satisfaction of the relevant road authority at the applicant's cost.
9. All redundant crossovers shall be permanently closed and reinstated to Council's standard kerb and gutter prior to operation of the development. 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. All costs shall be borne by the applicant.
10. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Conditions imposed upon direction of Adelaide Airport Limited

1. The development as described at a height of RL 33.0m Australian Height Datum (AHD) does not penetrate the Adelaide Airport Obstacle Limitation Surface (OLS) airspace protected for aircraft operations. Any further proposed addition to the structure, including aerials, masts and vent/exhaust stacks, must be subject to a separate assessment.

2. Crane operations associated with construction shall be the subject of separate application. Adelaide Airport Limited requires 48 days prior notice of any crane operations during the construction. Crane assessment may also have to be conducted by the Civil Aviation Safety Authority (CASA).
3. Restrictions may apply to lighting illumination. Any lighting proposed shall conform to airport lighting restrictions and shall be shielded from aircraft flight paths.

Notes

Council (City Operations)

1. A site investigation together with the information provided has revealed that there is a will be conflict with two large existing *Platanus x acerifolia* (London Plane) street trees located on Sir Donald Bradman Drive adjacent the side of the proposed bottle shop.

It has been noted that the proposed basement carpark extends underground in close proximity to the southern property boundary adjacent Sir Donald Bradman Drive. This will impact on a large percentage of the tree protection zone (TPZ) of both trees with a high probability of destabilizing the root system of the two *Platanus x acerifolia* street trees.

Root damage is the most common form of damage to trees on development sites. This is in part due to a common misconception that trees have large, deep root systems. In fact most tree roots grow in a horizontal direction, close to the soil surface. Tree root systems are wide spreading with the majority of roots usually found in the surface 600-1000mm.

Roots may be torn by improper excavation, opening wounds for disease organisms to enter, structural support is lost by trenching or excavating too close to major roots, creating a potential hazard and this must be managed correctly as not to cause tree damaging activity. All works within the TPZ must be undertaken using non-invasive methods, through the use of air-spade/hydro -vac to prevent root damage and mitigate destabilizing the trees.

The investigation works followed up by any root pruning with suitable canopy reduction, appropriate nutrient application and supplementary watering are all works required to support the trees to reduce potential hazards and maintain their structural integrity.

City Operations will be required to undertake these works at which point will be seeking reimbursement based on 20/21 scheduled fees and charges of Arboricultural services (a quote/estimation can be provided on request).

In addition there are three existing *Platanus x acerifolia* (London Plane) street trees on the Mallen Street frontage, these existing street trees may require minor pruning to allow for construction, however please note only councils Arboricultural Staff are permitted and authorised to pruning council owned assets, and this will be undertaken at no cost.

Department of Planning Transport and Infrastructure

2. The Metropolitan Adelaide Road Widening Plan currently shows a possible requirement for a strip of land up to 4.5 metres in width along the South Road and Sir Donald Bradman Road frontages of the site, together with a 4.5 x 4.5 metres corner cut-off at the Sir Donald Bradman Drive/Mallen Street corner, for future road purposes. The consent of the Commissioner of Highways under the *Metropolitan Road Widening Plan Act 1972* is required to all building works on or within 6.0 metres of the possible requirements.

As portions of the development encroach within the 6.0 metres consent area, consent under the *Metropolitan Adelaide Road Widening Plan Act 1972* is required. The applicant should fill out the attached consent form and return it to DPTI along with three copies of the approved site plans.

CARRIED

5.36pm Mr Graham Nitschke returned to the meeting.

6.2 318-324 South Road, RICHMOND

Application No 211/880/2020

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. 211/880/2020 by J Hayes to demolish existing signage and construct signage in association with an existing service trade premises and associated motor repair station at 318-324 South Road, Richmond (CT 5214/945, CT 5108/267 and CT 5108/267) 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 Set by Opalescent, job number J-19224, dated 16 September 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 signs are not used for 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 or nuisance to residents.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

7 PLANNING REFORM IMPLEMENTATION

7.1 Delegations under the Planning, Development and Infrastructure Act 2016

This report sought 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 Council Assessment Panel that:

1. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the proposed Instrument of Delegation (**Attachment 1** of the Agenda report) are hereby delegated this ninth day of February 2021 to Chief Executive Officer of City of West Torrens and Assessment Manager of City of West Torrens Council Assessment Panel subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
2. Such powers and functions may be further delegated by Chief Executive Officer of City of West Torrens and Assessment Manager of City of West Torrens Council Assessment Panel in accordance with Section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016* as the Chief Executive Officer of City of West Torrens and Assessment Manager of City of West Torrens Council Assessment Panel sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

7.2 Council Assessment Panel Policy: Review of Decision of Assessment Manager

This report presented the new process for the Council Assessment Panel to review a decision of the Assessment Manager under the *Planning Development and Infrastructure Act 2016*.

RECOMMENDATION

It is recommended to Council Assessment Panel that:

1. The *Council Assessment Panel Policy: Review of Decision of Assessment Manager* as detailed in **Attachment 1** of the Agenda report be adopted with a commencement date being the designated date of Phase 3 of the Planning & Design Code, to be gazetted by the Minister for Planning in due course.
2. That the Assessment Manager be authorised to make changes of a technical and/or minor nature.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

7.3 Procedures at Council Assessment Panel Meeting

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

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. The revised *Procedures at Council Assessment Panel Meetings* in **Attachment 2** of the Agenda report be adopted.
2. That the Assessment Manager be authorised to make changes of a technical and/or minor nature.

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 - February 2021

This report presents information in relation to:

1. any planning appeals before the Environment, Resources and Development (ERD) Court;
2. any matters being determined by the State Commission Assessment Panel (SCAP);
3. any matters determined by the Minister of Planning (Section 49);
4. any matters determined by the Governor of South Australia (Section 46); and
5. any deferred items previously considered by the Council Assessment Panel.

RECOMMENDATION

The Council Assessment Panel receive and note the information.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

10 OTHER BUSINESS

The Presiding Member thanked staff for the detailed report presented in Item 6.1 - 264-270 South Road and 3-5 Mallen Street, Hilton.

The Assessment Manager reminded the Panel Members of the Planning Reform information session with Gavin Leydon from Norman Waterhouse Lawyers to be held on Wednesday 17 February 2021.

11 MEETING CLOSE

The Presiding Member declared the meeting closed at 6.06pm.