

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 MARCH 2021
at 5.00pm

Hannah Bateman
Assessment Manager

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1 MEETING OPENED

The Presiding Member declared the meeting open at 5.01pm.

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

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

RECOMMENDATION

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

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

5 DISCLOSURE STATEMENTS

Nil

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 25 & 25A Fisher Place, MILE END

Application No 211/463/2016/A

Appearing before the Panel were:

Representors: **Vincent Riviere** of 24 Fisher Place, Mile End did not appear in support of the representation.

Amos Weigall of 29 Hughes Street, Mile End appeared via online platform in support of the representation.

Applicant: **Matthew Falconer** of Urban Planning & Design appeared in response to the representations.

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. 211/463/2016/A by 365 Studio Pty Ltd to undertake the construction of two (2) two-storey detached dwellings each with garage under main roof - *variation to an authorisation previously granted - changes to front entrances, upper level facades, roof form and external materials, increase floor area and length of garage walls (on boundary), increase front setbacks and new rear balconies* at 25 and 25A Fisher Place, Mile End (CT6183/845 & CT6183/844) 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:
 - Site Plan (Drawing No. 01 of 05, Issue D) prepared by 365 Design Studio dated 3 February 2021;
 - Floor Plan Dwelling 1 (Drawing No. 02 of 05, Issue D) prepared by 365 Design Studio dated 3 February 2021;
 - Floor Plan Dwelling 2 (Drawing No. 03 of 05, Issue D) prepared by 365 Design Studio dated 3 February 2021;
 - Elevations Dwelling 1 (Drawing No. 04 of 05, Issue D) prepared by 365 Design Studio dated 3 February 2021;
 - Elevations Dwelling 2 (Drawing No. 05 of 05, Issue D) prepared by 365 Design Studio dated 3 February 2021;
 - Site and Drainage Plan (Drawing No. SD1, Rev P1) prepared by Delta Consulting Engineers dated 19 October 2020; and
 - Typical Site and Drainage Details (Drawing No. SDD) prepared by Delta Consulting Engineers dated August 2020;
2. That all original planning conditions, and details relating to Development Application 211/463/2016 granted Development Plan Consent on 14 July 2016, where relevant, shall remain applicable to this amended development.

3. All landscaping shall be planted in accordance with the approved plans (Site Plan, Drawing No. 01 of 05, Issue D prepared by 365 Design Studio dated 3 February 2021) 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

4. The side and rear upper storey windows and balconies of the dwellings shall be fitted with raised sills or fixed obscure glass to the windows and obscure balcony balustrades 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, and the balustrades to the balconies shall be maintained to the satisfaction of Council at all times.

Reason: To maintain the privacy of neighbouring residents

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.2 2 Aroona Avenue, GLENELG NORTH (Golflands Reserve)

Application No 211/55/2021

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. 211/55/2021 by Agility Dog Club of South Australia for construction of a store on Council Reserve at 2 Aroona Avenue, GLENELG NORTH (Golflands Reserve) (CT 5519/21) 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:
 - Written statement prepared by Agility Dog Club of South Australia
 - Site and Aerial Plans
 - Specifications prepared by Stratco dated 1 December 2020
2. The building approved herein shall be used only for storage purposes associated with sports and recreational activities on the land.

3. The 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 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 unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; and not flow across footpaths or public ways.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.3 504 Henley Beach Road, FULHAM

Application No 211/245/2020/A

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. 211/245/2020/A by Jennifer Frisby Smith for construction of a store in association with existing office and consulting rooms - variation to an authorisation already granted - increase store wall height from 3m to 3.95m, and top of roof height from 3.77m to 4.709m at 504 Henley Beach Road, FULHAM (CT 5324/360) 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:
 - Site Plan, by Quadrant Drafting, Issue Date 22/02/2018.
 - Landscaping Plan, prepared by Jennifer Frisby-Smith, as approved in original application.
 - Car Park Alteration/ Store Access Plan, prepared by Jennifer Frisby-Smith, as approved in original application.
 - Floor Plan and Product Specifications, prepared by Stratco, Design Number SQ197565, Dated 18/11/2020 and 18/12/2019.
 - Elevation Plans, prepared by Stratco, Design Number SQ197565, Dated 18/12/2019.
 - Certificate of Structural Adequacy, prepared by Gama Consulting, Ref: 20401.19, Dated 15/01/2021.

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

2. That all original planning conditions of Development Approval for Application **211/245/2020** dated **25 November 2020** where relevant, shall remain applicable.

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

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.4 12-20 Arthur Lemon Avenue, UNDERDALE

Application No 211/63/2021

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. 211/63/2021 by Nazareth Catholic Community for construction of freestanding advertising sign and display of advertising on existing education building - Non-Complying at 12-20 Arthur Lemon Avenue, Underdale (CT5948/226) 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:
 - Signage Plan (Drawing No. DA30) prepared by Russell and Yelland dated 21 December 2020; and
 - Statement of Support prepared by URPS dated 19 January 2021

2. The advertising sign shall not be internally illuminated at any time without the prior approval of Council.

Reason: To reduce unnecessary distraction to motorists and assist in preserving the amenity of the locality.

3. 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

4. The advertisement and the support structure shall be prepared and erected in a professional manner and maintained in good repair at all times.

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

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 - Proposed Revisions

This report sought the Council Assessment Panel's decision on recent changes to the framework of delegation of powers and functions under the *Planning, Development and Infrastructure Act 2016*.

RECOMMENDATION

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 2** of the Agenda report) are hereby delegated this ninth day of March 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

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 2** of the Agenda report) are hereby delegated this ninth day of March 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.
3. That delegations marked 45.1 and 45.2 in **Attachment 2** also be delegated to the Chief Executive Officer of the City of West Torrens and Assessment Manager.

8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

Nil

9 SUMMARY OF COURT APPEALS**9.1 CAP Summary of SCAP and ERD Court Matters**

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 for 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 Panel discussed planning policy in relation to new development in laneways in Historic Conservation Areas and the potential for policy changes or improvements in the new Planning and Design Code.

11 MEETING CLOSE

The Presiding Member declared the meeting closed at 6.06pm.