

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 NOVEMBER 2021
at 5.00pm

Hannah Bateman
Assessment Manager

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1 MEETING OPENED

The Presiding Member declared the meeting open at 5.00pm.

1.1 Acknowledgement of Country

The Acknowledgement of Country was read by the Presiding Member.

1.2 Evacuation Procedure

The evacuation procedures were read out to the gallery by the Presiding Member.

2 PRESENT

Panel Members:

Presiding Member:	Ms S Ditter
Council Member:	Ms J Wood (appeared via online platform)
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)

3 APOLOGIES

Apologies

Panel Member:

Mr G Nitschke

RECOMMENDATION

That the apologies be received.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 12 October 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 TRANSITIONAL APPLICATIONS

6.1.1 5-9 Palmyra Avenue, TORRENSVILLE

Application No 211/279/2021

Appearing before the Panel were:

Representor: **Quy Phuoc Lam** and **William Chau** of 4 Rawlings Avenue, Torrensville appeared in support of the representation.

Applicant: **Charles Thompson** of New Creation Group appeared in response to the representation.

RECOMMENDATION

The Council Assessment Panel, having considered all aspects of the report and the application for consent to carry out development of land resolves to GRANT Development Plan Consent for Application No. 211/279/2021 by New Creation Group to undertake the demolition of existing buildings and construction of 19, two-storey dwellings with common driveway access and associated landscaping and fencing at 5-9 Palmyra Avenue, Torrensville (CT5720/72 & 5798/608) subject to the following reserved matter and conditions of consent:

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. A Construction Management Plan (CMP) for the proposed development. The CMP should identify potential issues and appropriate measures to minimise impacts and disruption to surrounding residents and business owners during the construction phase of the development. The plan shall also detail the types, volumes and distributions of traffic and how they will be managed.

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:
 - Demolition Plan prepared by New Creation Group, Sheet No. A101 dated 17/02/21;
 - Site Plan prepared by New Creation Group, Sheet No. A100 dated 12/07/21;
 - Landscape Plan & Schedule prepared by New Creation Group;
 - Units 1-8 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;

- Unit 9 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;
 - Units 10, 13-16 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;
 - Unit 11 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;
 - Unit 12 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;
 - Unit 12 Carport Plan prepared by New Creation Group, Sheet No. A101 dated 02/08/21;
 - Unit 17 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;
 - Unit 17 Carport Plan prepared by New Creation Group, Sheet No. A101 dated 02/08/21;
 - Unit 18 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;
 - Unit 19 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;
 - Front Streetscape Plan prepared by New Creation Group, Sheet No. A106 dated 01/11/21;
 - Civil & Drainage Plan prepared by KP Squared, Drawing No. C2, Issue C dated 25/10/21;
 - Earthworks & Paving Details prepared by KP Squared, Drawing No. C4, Issue A dated 10/02/21;
 - Civil Details prepared by KP Squared, Drawing No. C5, Issue A dated 10/02/21;
 - Stormwater Calculations prepared by KP Squared, Issue A dated 10/02/21; and
 - Letter prepared by MFY dated 05/03/21.
2. All stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage will not at any time:
- a) Result in the entry of water into a building; or
 - b) Affect the stability of a building; or
 - c) Create unhealthy or dangerous conditions on the site or within the building; or
 - d) Flow or discharge onto the land of an adjoining owner; or
 - e) Flow across footpaths or public ways.

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

3. 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.

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

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

5. The stormwater connections for Dwellings 1 to 8 shall be offset a minimum of 2.0 metres from existing street trees that are to be retained.

Reason: To minimise impacts on existing street trees.

6. 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

7. All landscaping shall be planted in accordance with the approved plans and incorporate an appropriate irrigation system within three (3) months of the occupancy of the development or the next available planting season. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die.

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

8. The side and rear upper storey windows of all dwellings shall be fitted with fixed obscure glass to the windows and balcony balustrades 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 to the satisfaction of Council at all times.

Reason: To maintain the privacy of neighbouring residents

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

Reason: To ensure safe and convenient vehicle access

10. Details of the bin store enclosure shall be submitted to the satisfaction of Council prior to the issue of Development Approval.

Reason: To ensure minimal disturbance to surrounding properties and to maintain the amenity of the locality

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. Collection of waste shall be carried out at least once a week by a private contractor. All solid waste shall be stored in bins having a close fitting lid. The bins shall be stored within the designated bin storage area identified on the approved plans.

Reason: To ensure residence are provided with waste management facilities and to maintain the amenity of the locality.

NOTES

- City Operations has considered the health, structure, form, useful life expectancy and age of the street tree and in this instance will support the removal. Payment of a fee of \$750.00 will be required prior to the commencement of any work.
- The applicant is reminded that any boundary fencing, including a combination of retaining walls and fencing, that exceeds a height of 2.1 metres above ground level requires development approval under a separate application.

COUNCIL ASSESSMENT PANEL DECISION

The Council Assessment Panel, having considered all aspects of the report and the application for consent to carry out development of land resolves to REFUSE Development Plan Consent, for Application No. 211/279/2021 by New Creation Group to undertake the demolition of existing buildings and construction of 19, two-storey dwellings with common driveway access and associated landscaping 5-9 Palmyra Avenue Torrensville (CT 5720/72 and 5798/608) as the proposed development is contrary to the following provisions of the West Torrens Council Development Plan Consolidated 21 May 2020:

- General Section (Crime Prevention) Principle of Development Control 10
Reason: The proposal has not sufficiently addressed the potential for the entrapment locations within the development.
- General Section (Design and Appearance) Principle of Development Control 15
Reason: The proposal fails to provide pedestrian entrances to Dwellings 9-19 which are perceptible from the public street frontages.
- General Section (Design and Appearance) Principle of Development Control 19(c)
Reason: The proposal fails to provide for a waste storage area located away from sensitive land uses.
- General Section (Residential Development) Principle of Development Control 5
Reason: The proposal would result in a repetitive built form and appearance presenting to Palmyra Avenue.
- General Section (Residential Development) Principle of Development Control 8
Reason: The proposal would create entries to Dwellings 9-19 that can only be accessed through the garage and are not perceptible from the internal accessways.
- General Section (Residential Development) Principle of Development Control 30(c)
Reason: The proposal fails to provide for a waste storage area located away from the dwellings.
- General Section (Transportation and Access) Principle of Development Control 8
Reason: The proposal fails to provide for safe and convenient access for pedestrians.

- General Section (Transportation and Access) Principle of Development Control 34
Reason: The proposal fails to provide sufficient car parking spaces for visitors.
- General Section (Transportation and Access) Principle of Development Control 36(c)
Reason: The proposal fails to provide vehicle parking areas which provide for safe and convenient access.
- General Section (Transportation and Access) Principle of Development Control 37
Reason: The vehicle parking areas have not been designed to reduce opportunities for crime.
- General Section (Transportation and Access) Principle of Development Control 44(a)
Reason: The proposal fails to provide sufficient car parking spaces for visitors.
- General Section (Waste) Principle of Development Control 2
Reason: The proposal fails to provide for a waste storage area that has not sufficiently ameliorated the impact on the residential environment.
- General Section (Waste) Principle of Development Control 6(a) and 6(b)
Reason: The proposal fails to provide for a waste storage area sufficiently located and screened away from the surrounding dwellings.

6.2 PDI Act Applications

Nil

7 REVIEW OF ASSESSMENT MANAGER DECISION

Nil

8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

Nil

9 RELEVANT AUTHORITY ACTIVITIES REPORT

9.1 Activities Summary - November 2021

This report presents information in relation to:

1. Any development appeals before the Environment, Resources and Development (ERD) Court where the Council Assessment Panel (CAP) is the relevant authority;
2. Other appeal matters before the ERD Court of which SCAP are the relevant authority;
3. Any deferred items previously considered by the CAP
4. Summary of applications that have been determined under delegated authority where CAP is the relevant authority; and
5. Any matters being determined by the State Commission Assessment Panel (SCAP).

RECOMMENDATION

The Council Assessment Panel receive and note the information.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

10 OTHER BUSINESS

10.1 Post occupancy feedback

The Panel members discussed whether Council receives feedback from occupiers of recent infill developments within the City of West Torrens area. The Panel members discussed the potential for post occupancy feedback surveys to inform future planning policy on liveability and design matters.

10.2 Quantitative and Qualitative Policy Provisions

The Panel Members discussed the role of quantitative and qualitative policy provisions in the assessment of applications.

10.3 Deputy Independent Member vacancy

The Assessment Manger advised the Panel members that Council would be considering a report on the appointment of a Deputy Independent Member at its next meeting.

10.4 Annual Report

The Assessment Manger advised the Panel members that the Council Assessment Panel Annual Report is due to be considered at the Panel's December meeting and requested that the Panel Members provide input on policy matters.

11 MEETING CLOSE

The Presiding Member declared the meeting closed at 6.22pm.