

CITY OF WEST TORRENS



MINUTES

of the

COUNCIL ASSESSMENT PANEL

held in the George Robertson Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

Public Livestream link was provided on the City of West Torrens Website

on

TUESDAY, 10 MAY 2022
at 5.00pm

Hannah Bateman
Assessment Manager

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1 MEETING OPENED

The Presiding Member declared the meeting open at 5.06pm.

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.

1.3 Electronic Platform Meeting

The Presiding Member advised the meeting was being livestreamed via a Zoom public link available on the City of West Torrens website.

2 PRESENT

Panel Members:

Presiding Member: Ms S Ditter
Council Member: Mr G Nitschke
Independent Members: Mr M Arman, Mr K Corolis, Mr H Edwards

Mr K Corolis appeared by electronic platform.

Officers:

Ms Hannah Bateman (Manager City Development and Assessment Manager)
Ms Rachel Knuckey (Team Leader Planning)
Mr Steven Burke (Development Officer - Planning)
Ms Zoe Delmenico (Development Officer - Planning)
Mr Brett Mickan (Development Technician)

3 APOLOGIES

Apologies

Panel Member:

Ms Jane Strange

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 April 2022 be confirmed as a true and correct record.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

5 DISCLOSURE STATEMENTS

Mr Heath Edwards advised that he does not have a direct or indirect personal or pecuniary interest to declare in relation to CAP Item 7.1 - 18 Trennery Street, WEST RICHMOND, however he wished to note that he has previously worked on a project with the applicant. This was a professional relationship and they have not worked together since, such as, Mr Edwards will remain in the meeting for the discussion and vote on the item.

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 Transitional Applications

Nil

6.2 PDI Act Applications

Nil

7 REVIEW OF ASSESSMENT MANAGER DECISION

7.1 18 Trennery Street, WEST RICHMOND

Application No 21025705

DRAFT RESOLUTIONS

The Council Assessment Panel resolves to **affirm** the decision of the Assessment Manager:

- that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations), but that DA No 21025705 does not warrant planning consent and land division consent for the following reasons:
 - Aircraft Noise Exposure Overlay DO 1
Reason: Development sensitive to aircraft noise is not located to reduce land use conflict and protect human health.
 - Aircraft Noise Exposure Overlay PO 3.1
Reason: The proposed division increases the number of allotments used for sensitive receivers in areas adversely impacted by aircraft noise.
 - Land Division (General Development Policies) PO 2.2
Reason: The proposed division does not enable the appropriate management of interface impacts between potentially conflicting land uses.
 - Land Division (General Development Policies) PO 2.3
Reason: The proposed division does not maximise the number of allotments that face a public road.
 - Land Division (General Development Policies) PO 2.5
Reason: Development is not provided in a manner that is orderly and economic.

OR

The Council Assessment Panel resolves to **vary** the decision of the Assessment Manager:

- that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations), but that DA No 21025705 does not warrant planning consent and land division consent for the following reasons:

[Reasons to be added by CAP]

OR

The Council Assessment Panel resolves to **set aside** the decision of the Assessment Manager to refuse planning consent and land division consent to DA No 21025705 and substitute the following decision:

- DA No 21025705 is not seriously at variance with the Planning and Design Code (disregarding minor variations) and that planning consent and land division consent are granted to the application subject to the following conditions:

[Conditions to be added by CAP]

COUNCIL ASSESSMENT PANEL DECISION

The Council Assessment Panel resolved to **affirm** the decision of the Assessment Manager:

- that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations), but that DA No 21025705 does not warrant planning consent and land division consent for the following reasons:
 - Aircraft Noise Exposure Overlay DO 1
Reason: Development sensitive to aircraft noise is not located to reduce land use conflict and protect human health.
 - Aircraft Noise Exposure Overlay PO 3.1
Reason: The proposed division increases the number of allotments used for sensitive receivers in areas adversely impacted by aircraft noise.
 - Land Division (General Development Policies) PO 2.2
Reason: The proposed division does not enable the appropriate management of interface impacts between potentially conflicting land uses.
 - Land Division (General Development Policies) PO 2.3
Reason: The proposed division does not maximise the number of allotments that face a public road.
 - Land Division (General Development Policies) PO 2.5
Reason: Development is not provided in a manner that is orderly and economic.

8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

8.1 437 Henley Beach Road, BROOKLYN PARK

Application No. DA 21014960

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. On the basis that this matter is before the Environment Resources and Development Court so any disclosure would prejudice the position of Council, the Council Assessment Panel orders pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams, Assessment Manager, City Development staff in attendance at the meeting, and meeting secretariat staff, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager on the basis that this matter is before the Environment Resources and Development Court and it is a requirement of the Court that matters are kept confidential until such time as a compromise is reached or the matter proceeds to a hearing.
2. At the completion of the confidential session the meeting be re-opened to the public.

COUNCIL ASSESSMENT PANEL DECISION

Moved: Mr M Arman

Seconded: Mr G Nitschke

That the recommendation be adopted.

CARRIED

5.27pm the meeting moved into Confidence and the confidential session commenced.

5.37pm the Confidential session closed and the meeting reopened to the public.

Note: The Confidential minutes are kept separate from this document.

9 RELEVANT AUTHORITY ACTIVITIES REPORT

9.1 Activities Summary - May 2022

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 Planning Policy Considerations

Nil

11 MEETING CLOSE

The Presiding Member declared the meeting closed at 5.40pm.