

CITY OF WEST TORRENS



MINUTES

of the

COUNCIL ASSESSMENT PANEL

held by electronic platform only and
a public livestream link was provided on the City of West Torrens website

on

TUESDAY, 18 JANUARY 2022
at 5.00pm

Hannah Bateman
Assessment Manager

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1 MEETING OPENED

The Presiding Member declared the meeting open at 5.02pm.

The Presiding Member advised attendees of operational matters relating to the electronic platform (Zoom).

1.1 Acknowledgement of Country

The Acknowledgement of Country was read by the Presiding Member.

1.2 Evacuation Procedure

Nil

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 Phil Smith | (Senior Development Officer - Planning) |

All Panel Members and staff appeared via electronic platform.

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 14 December 2021 be confirmed as a true and correct record.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

5 DISCLOSURE STATEMENTS

The following disclosures of interest were made:

| Item | Type of Conflict | Panel Member |
|--|------------------|------------------|
| CAP Item 6.2.1 - 180 Henley Beach Road, TORRENSVILLE | Direct Personal | Ms Shanti Ditter |

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 Transitional Applications

6.1.1 11 Shaw Avenue, RICHMOND

Application No 211/349/2021

Appearing before the Panel via electronic platform were:

Representor/s: **Victor Ngo** on behalf of **Tuan Kiet Ngo and Tuan Cuong Ngo** of 13 Shaw Avenue appeared in support of the representation.

Glenn and Susan Martin of 10A Shaw Avenue appeared in support of the representation.

Paul and Susann Xerri of 9 Shaw Avenue appeared in support of the representation.

Applicant/s: **Garth Heynen** of Heynen Planning Consultants on behalf of **Gurmeet Singh**, the applicant, appeared in response to the representations.

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 and Land Division Consent for Application No. 211/349/2021 by Gurmeet Singh to undertake the Combined Application: Land division - Community Title; SCAP No. 211/C064/21, create four (4) additional allotments and common property; and construction of a residential flat building comprising five (5) dwellings and associated landscaping at 11 Shaw Avenue, Richmond (CT 5716/139) subject to the following conditions of consent and reserved matters:

Reserved Matter/s:

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. An amended landscape plan that shows two additional trees planted within the front setback of Dwelling 1 to soften the impacts of the dwelling to the streetscape.

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. Development is to take place in accordance with the plans prepared by Supreme Building Design to Development Application No. 211/349/2021 as follows:

Subdivision Plan Rev G, Site Plan Rev G, Landscaping Plan Rev G, Floor Plan Rev G, First Floor Plan Rev G, Elevations Rev G, all dated 25/11/2021
Letter prepared by Phil Weaver & Associates dated 09/12/21

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. No aboveground structure(s) such as letterboxes, service meters or similar are to be installed within the common driveway entrance and passing area.

Reason: To ensure that the common driveway is kept clear of obstructions.

4. Any retaining walls shall be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.

Reason: To enhance the amenity of the site and the adjoining properties.

5. The following is required for each dwelling within the development and shall be installed prior to occupation:

- 3000L rainwater tanks are to be installed and plumbed to each dwelling to deliver recycled water all toilets and laundry cold water outlet (can also be connected to Hot Water Service if desired).
- A minimum of 90% of the dwelling roof area is to have its stormwater runoff directed to the rainwater tank.

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

6. The stormwater connection through the road verge area is to be constructed of a shape and material to satisfy Council's standard requirements:

- 100 x 50 x 2mm RHS Galvanised Steel or
- 125 x 75 x 2mm RHS Galvanised Steel or
- Multiples of the above.

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

7. The proposed stormwater outlet will be required to maintain a minimum distance of 2.0m west of the existent Lophostemon street tree located 10.1m from the Eastern boundary.

Reason: To protect the health and longevity of the nominated street tree.

8. 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.

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

9. All planting and landscaping shall incorporate an appropriate irrigation system and shall be completed within three (3) months of the commencement of the use of this development or the next planting season and be maintained in reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.

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

10. The upper level side and rear windows and balconies of all dwellings, except where facing a street (Dwelling 1 only), shall be provided fixed and obscured 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 dwellings. The glazing in these windows/balconies shall be maintained in reasonable condition at all times.

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

Land Division Consent Conditions Council Requirements

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application prepared by SKS Surveys Pty Ltd except where varied by any conditions listed below:

SKS Surveys Plan - Dated 17/03/2021 Rev 01

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

SCAP Requirements

1. 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.

2. Payment of \$31044 into the Planning and Development Fund (4 allotment(s) @ \$7761/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 of 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.

3. 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.

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 GRANT Development Plan Consent and Land Division Consent for Application No. 211/349/2021 by Gurmeet Singh to undertake the Combined Application: Land division - Community Title; SCAP No. 211/C064/21, create four (4) additional allotments and common property; and construction of a residential flat building comprising five (5) dwellings and associated landscaping at 11 Shaw Avenue, Richmond (CT 5716/139) subject to the following conditions of consent and reserved matters:

Reserved Matter/s:

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. An amended landscape plan that shows two additional trees planted within the front setback of Dwelling 1 to soften the impacts of the dwelling to the streetscape and additional medium size plantings within the private open space of Dwellings 1-5 to further supplement the landscaping provision on site.

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. Development is to take place in accordance with the plans prepared by Supreme Building Design to Development Application No. 211/349/2021 as follows:

Subdivision Plan Rev G, Site Plan Rev G, Landscaping Plan Rev G, Floor Plan Rev G, First Floor Plan Rev G, Elevations Rev G, all dated 25/11/2021
Letter prepared by Phil Weaver & Associates dated 09/12/21

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:
- 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.

3. No aboveground structure(s) such as letterboxes, service meters or similar are to be installed within the common driveway entrance and passing area.

Reason: To ensure that the common driveway is kept clear of obstructions.

4. Any retaining walls shall be designed to accepted engineering standards, and not of timber construction if retaining a difference in ground level exceeding 200mm.

Reason: To enhance the amenity of the site and the adjoining properties.

5. The following is required for each dwelling within the development and shall be installed prior to occupation:

- 3000L rainwater tanks are to be installed and plumbed to each dwelling to deliver recycled water all toilets and laundry cold water outlet (can also be connected to Hot Water Service if desired).
- A minimum of 90% of the dwelling roof area is to have its stormwater runoff directed to the rainwater tank.

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

6. The stormwater connection through the road verge area is to be constructed of a shape and material to satisfy Council's standard requirements:

- 100 x 50 x 2mm RHS Galvanised Steel or
- 125 x 75 x 2mm RHS Galvanised Steel or
- Multiples of the above.

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

7. The proposed stormwater outlet will be required to maintain a minimum distance of 2.0m west of the existing Lophostemon street tree located 10.1m from the Eastern boundary.

Reason: To protect the health and longevity of the nominated street tree.

8. 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.

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

9. All planting and landscaping shall incorporate an appropriate irrigation system and shall be completed within three (3) months of the commencement of the use of this development or the next planting season and be maintained in reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.

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

10. The upper level side and rear windows and balconies of all dwellings, except where facing a street (Dwelling 1 only), shall be provided fixed and obscured 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 dwellings. The glazing in these windows/balconies shall be maintained in reasonable condition at all times.

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

11. Each of the proposed dwellings shall provide for 8 cubic metres of accessible storage space and this shall be reflected on the plan set to the satisfaction of the relevant authority prior to the issue of development approval.

Land Division Consent Conditions

Council Requirements

1. The development must be undertaken, completed and maintained in accordance with the plans and information detailed in this Application prepared by SKS Surveys Pty Ltd except where varied by any conditions listed below:

SKS Surveys Plan - Dated 17/03/2021 Rev 01

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

SCAP Requirements

1. 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.

2. Payment of \$31044 into the Planning and Development Fund (4 allotment(s) @ \$7761/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 of 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.

3. 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.

6.2 PDI Act Applications

6.2.1 180 Henley Beach Road, TORRENSVILLE

Application No 21012531

5.53pm *Presiding Member Ms Shanti Ditter declared a direct personal conflict of interest in this item as she is a close friend of the applicant's planning consultant and left the meeting for the discussion and vote on the item.*

As Ms Shanti Ditter, Presiding Member, left the meeting for the discussion and vote on the item, Mr Michael Arman as Deputy Presiding Member, assumed the Chair as Presiding Member for the conduct of this item.

Appearing before the Panel via electronic platform were:

Representors: **David O'Loughlin** of 3 Prospect Road, Prospect appeared in support of the representation.

Applicant: **Julie Jansen** of MasterPlan appeared in response to the representations.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107 (2)(c) of the *Planning Development and Infrastructure Act 2016*, and having undertaken an assessment of the applicant against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code Version 2021.8.
2. Application No. 21012531 by Dan Smedley of Studio - S2 Architects to carry out a Staged approval - Alterations and additions to existing hotel including new balcony/verandah over footpath, signage, internal fitout, additional retail and outdoor area alterations - Stage 1. Eastern bar, outdoor area, mezzanine and retail expansion, Stage 2. Remainder of works at 180 Henley Beach Road Torrensville (CT-5130/338, CT-5139/14,CT-5130/386,CT-5130/66) is GRANTED Planning Consent subject to the following conditions of consent:

Planning 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:
 - Cover Letter, prepared by Studio S2 Architects;
 - Elevations, prepared by Studio S2 Architects, Revision 4, dated 7 November 2021;
 - First Floor Plan, prepared by Studio S2 Architects, Revision 3, dated 7 November 2021;
 - First floor demolition plan, prepared by Studio S2 Architects, Revision 3, dated 7 November 2021.
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 shall not at any time:

- a) Result in the entry of water into a building;
 - b) Affect the stability of a building;
 - c) Create unhealthy or dangerous conditions on the site or within the building;
 - d) Flow or discharge onto the land of an adjoining owner;
 - e) Flow across footpaths or public ways; or
 - f) Discharge to the adjacent creek.
3. The external materials and finishes shall match/be complementary to those of the associated hotel.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.22pm Ms Shanti Ditter returned to the meeting and assumed the Chair.

7 REVIEW OF ASSESSMENT MANAGER DECISION

Nil

8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

Nil

9 RELEVANT AUTHORITY ACTIVITIES REPORT

9.1 Activities Summary - January 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 Annual Report**

Mr M Arman asked the Assessment Manager, Ms Hannah Bateman, if the Council Assessment Panel 2021 Annual Report had been presented to Council. Panel Members were advised that the report was to be presented at the Council meeting that evening, 18 January 2022 and that the Presiding Member and Assessment Manager would be in attendance to answer any queries of the Council Members.

11 MEETING CLOSE

The Presiding Member declared the meeting closed at 6.25pm.