

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, 14 FEBRUARY 2023**  
**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.

### 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: Ms J Strange, Mr M Arman, Mr K Corolis

Mr K Corolis appeared by electronic platform.

### Officers:

Mr Angelo Catinari (Deputy Chief Executive Officer)  
Ms Hannah Bateman (Manager City Development and Assessment Manager)  
Mr Nicholas Timotheou (Team Leader Planning)  
Mr Kieron Barnes (Consultant Planner)  
Ms Maryam Modirrousta (Development Officer - Planning)  
Mr Brett Mickan (Development Technician, Minute Taker)  
Ms Merryn Walton (Team Leader Monitoring and Compliance)  
Ms Pat Mosca (Development Technician)

Ms H Bateman appeared by electronic platform.

## 3 APOLOGIES

Nil

## 4 CONFIRMATION OF MINUTES

### RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 13 December 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 Kon Corolis advised that he does not have a direct or indirect personal or pecuniary interest to declare in relation to CAP Agenda Item 6.2.1 - 31 Capper Street, CAMDEN PARK, however he wished to note that he was previously employed by a company where the applicant was a director. The employment relationship ceased in 1992 and they have not been in recent contact, such as, Mr Corolis will remain in the meeting for the discussion and vote on the item.

## 6 REPORTS OF THE ASSESSMENT MANAGER

### 6.1 Transitional Applications

#### 6.1.1 1 Press Road, BROOKLYN PARK

Application No 211/337/2021 (211/D058/21)

### 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 *Planning, Development and Infrastructure Act 2016* resolves to REFUSE Development Plan Consent, for Application No. 211/337/2021 (211/D058/21) by V V Varu for land division to create one additional allotment at 1 Press Road, Brooklyn Park (CT 2521/177) for the following reasons:

#### Reasons for Refusal:

1. Proposed Lot 1 does not satisfy the minimum site area of 340m<sup>2</sup> as expressed in Principles of Development Control 3 and 5 of the Low Density Policy Area 20.
2. Proposed Lot 2 does not satisfy the minimum frontage of 10 metres as expressed in Principles of Development Control 3 and 5 of the Low Density Policy Area 20.
3. Proposed Lot 2 is contrary to the Desired Character Statement of the Low Density Policy Area 20 which states that "battleaxe subdivision will not occur in the policy area to preserve a pattern of rectangular allotments developed with buildings that have a direct street frontage".
4. As the land is contained within Australian Noise Exposure Forecast (ANEF) 35, the development has not sufficiently demonstrated the proposed allotments are appropriate for the intended use as sought by General Section, Land Division Objective 2.

### COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

## 6.2 PDI Act Applications

### 6.2.1 31 Capper Street, CAMDEN PARK

Application No 22033457

Appearing before the Panel were:

Representor: **Peter & Corrine Routley** of 38 Cromer Street, Camden Park appeared in support of the representation.

Applicant: **Demetrios Diamanti** appeared in response to the representation.

### 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 application against the Planning and Design Code, the application is not seriously at variance with the provisions of the Planning and Design Code.
2. Application No. 22033457 by Demetrios Diamanti for the construction of a habitable outbuilding including a rumpus room, garage and verandah at 31 Capper Street, Camden Park is REFUSED for the following reasons:

### REASONS FOR REFUSAL

The development fails to satisfy the following provision of the Planning and Design Code:

1. DO 1 of General Neighbourhood Zone - Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

*Reason: The proposed development results in poor amenity impacts upon nearby residential properties.*

2. PO 3.1 of General Neighbourhood Zone - Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.

*Reason: The building footprint does not allow sufficient space to limit visual impact, nor provide an attractive outlook from nearby land.*

3. PO11.1 of General Neighbourhood Zone - Residential ancillary buildings are sited and designed to not detract from the streetscape or appearance of primary residential buildings on the site or neighbouring properties.

*Reason: The proposed development detracts from the appearance of neighbouring properties.*

4. DTS/DPF 11.1 of General Neighbourhood Zone - Ancillary buildings: have a floor area not exceeding 60 square metres and a wall height or post height not exceeding 3m.

*Reason: The proposed habitable outbuilding is more than 60sqm and the proposed wall height exceeds 3m, resulting in visual amenity impacts upon adjoining land.*

5. DO 1 of the General Development Policies - Design in Urban Areas (a) - Development that is contextual by considering, recognising and responding to its natural surroundings or built environment and positively contributing to the character of the locality.

Reason: The proposed development does not positively contributing to the character of the locality.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

#### **6.2.2 456-458 Henley Beach Road, LOCKLEYS**

Application No 22029083

Appearing before the Panel were:

Representor: **Duilia Bastian** of 1 Franciscan Avenue, Lockleys appeared in support of their representation via telephone call.

Applicant: **Simon Channon** of URPS, **Phil Weaver** of Phil Weaver and Associates and **Tim Hastwell** of St Francis School Lockleys appeared in response to the representation.

### **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 2022.18.
2. Application No. 22029083 by St Francis School Lockleys to carry out Alterations and additions to an existing Educational Establishment including the construction of a two-storey building to accommodate 15 classrooms, a science room, common areas and amenities as well as signage, external courtyard and freestanding storage shed along with associated earthworks, retaining walls and landscaping at 456-458 Henley Beach Road, Lockleys is GRANTED Planning Consent subject to the following Reserved Matters and Conditions of consent:

#### **Reserved Matters**

The following information shall be submitted for further assessment and approval by the Relevant Authority as Reserved Matters under Section 102(3) of the *Planning Development and Infrastructure Act 2016*:

1. Revised plans demonstrating additional on-site parking shall be provided for staff of the school in the form of 6 'stacked' parks at the rear of the Parish Hall and 2 parks near the front of the Church.
2. Revised plans demonstrating acoustic treatments for the mechanical plant being incorporated into the development design, in accordance with the recommendations of the Environment Noise Assessment prepared by Sonus.

Pursuant to Section 127 of the *Planning Development and Infrastructure Act 2016*, the Relevant Authority reserves its decision on the form and substance of any further conditions of Planning

Consent that it considers appropriate to impose in respect of the Reserved Matter outlined above.

### **Planning Consent Conditions:**

1. The development shall be undertaken and completed in accordance with the plans and information detailed in this application specifically plans as listed below:
  - Drawing No. PL102, DWG Issue PL02, Site Plan Proposed
  - Drawing No. PL200, DWG Issue PL02, Ground Floor Proposed
  - Drawing No. PL201, DWG Issue PL02, First Floor Proposed
  - Drawing No. PL202, DWG Issue PL02, Roof Plan Proposed
  - Drawing No. PL300 & PL301, DWG Issue PL02, Elevations
  - Drawing No. PL400 & PL401, Dwg Issue PL02, ESD Principles and Sun Study
  - Drawing No. OS835\_L\_001, OS835\_L\_002, OS835\_L\_101, OS835\_L\_201, OS835\_L\_201, Issue P1, Prepared by Outer Space
  - Drawing No. JAC220268-DRG- C001, Issue D, General Notes/Siteworks and Drainage Plan
  - Recommendations contained on Page 9 and 10, Sonus Report, Ref. S7564C1, dated November 2022except where varied by any condition(s).
2. Prior to commencement of any site works, a "Tree Protection Zone", consisting of a 2.0m high solid, chainmesh, steel or similar material fence with posts at 3m intervals, shall be erected in accordance with the report prepared by Symatree, Sam Cassaar dated June 2022. A sign displaying the words "Tree Protection Zone" shall be placed on the fence and no persons, vehicles or machinery shall enter the Area and no goods, materials or waste shall be stored within the Area until after construction is complete. A layer of organic mulch (woodchips) to a depth of 100mm shall be placed over all root systems within the Area to assist with moisture retention and to reduce impact of compaction and supplementary watering shall be provided through any dry periods during the construction process.
3. All external lighting must be designed and constructed in accordance with Australian Standard (AS 4282-1997).
4. That the maximum service vehicle, including the refuse collection vehicle, shall be limited to an MRV as specified in Australian Standard 2890.2 - 2002 Parking Facilities, Part 2, Off-Street Commercial Vehicle Facilities.
5. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.
6. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
8. A stormwater trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order to the reasonable satisfaction of the Council.

### **Commissioner of Highways Conditions**

1. Access to Henley Beach Road shall be gained in accordance with the Phil Weaver & Associates Traffic & Parking Assessment, File 22-083, dated 29 September 2022.
2. All vehicles shall enter and exit Henley Beach Road in a forward direction.

3. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

### **7 REVIEW OF ASSESSMENT MANAGER DECISION**

Nil

### **8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER**

#### **8.1 239, 241-243 Richmond Road, RICHMOND**

Application No. 21028599

#### **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**

The Panel resolved that the recommendation be adopted.

**5.58pm** the meeting moved into Confidence and the confidential session commenced.

**6.07pm** 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 - February 2023**

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 and the City of West Torrens Assessment Manger 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) or the State Planning Commission (SPC).

### **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 Council Assessment Panel Annual Report 2022**

The purpose of the report is to provide Council with information on the activities of the Council Assessment Panel during 2022.

### **RECOMMENDATION**

It is recommended to Council Assessment Panel that:

1. The draft Council Assessment Panel Annual Report 2022 (appended as **Attachment 1** of Agenda report) be ratified for presentation to Council.
2. That the Assessment Manager be authorised to make any changes of a minor or technical nature, including updates to CAP meeting data.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

### **10.2 Procedure and Policy Reviews**

The CAP documents "Procedures at Council Assessment Panel Meetings" and "Council Assessment Panel Policy Review of Decision of Assessment Manager" are due for periodic review. CAP members are requested to provide the Assessment Manager with any suggested changes or proposed amendments. A report will be presented for the Panel's consideration at an upcoming CAP meeting.

**10.3 Planning Policy Considerations**

Nil

**10.4 Local Government Association (SA) Assessment Panel Chairs and Assessment Manager Forum**

The Presiding Member advised the Panel that she will attend an upcoming Local Government Association (SA) Assessment Panel Chairs and Assessment Manager Forum and present any information to the CAP at a future date.

**11. MEETING CLOSE**

The Presiding Member declared the meeting closed at 6.11pm.