

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 MARCH 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 Demetriou
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)
Mr Paul Della (General Manager Corporate and Compliance)
Ms Hannah Bateman (Manager City Development and Assessment Manager)
Mr Nicholas Timotheou (Team Leader Planning)
Mr Steven Burke (Development Officer Planning)
Ms Karen Mitrovic (Senior Development Officer Planning)
Mr Andrew Simons (Senior Development Officer Planning)
Mr Julien Beauvillier (Development Officer Planning)
Mr Brett Mickan (Development Technician, Minute Taker)
Ms Maryam Modirrousta (Development Officer Planning)
Mr Nick Lupo (Development Officer Planning)
Ms Pat Mosca (Development Support Officer)

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 14 February 2023 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 disclosure of interest was made:

Item	Type of Conflict	Panel Member
6.2.2 - 11-13 Lydia Street PLYMPTON	Direct pecuniary	Ms Jane Strange

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 Transitional Applications

Nil

6.2 PDI Act Applications

6.2.1 525 & 525A Henley Beach Road, FULHAM & 1 Newbury St, FULHAM

Application No 22000022

Appearing before the Panel were:

Representor: **Angela Amato** of 2 Newbury Street, Fulham appeared in support of the representation via electronic platform.

Applicant: **Theresa James** of URPS appeared in response to the representation.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 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 17 Feb 2022.
- Application No. 22000022 by Metricon Homes to carry out the construction of two (2) detached dwellings to be used as temporary display homes for a period of five (5) years and a swimming pool with associated safety barrier, along with associated temporary car park, vehicle turntable (Lot 2), temporary signage, landscaping, masonry fences to a maximum height of 2 metres and fences to a maximum cumulative height of 2.2 metres (CT 6254/821, CT 6254/822 and CT 5699/208) 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:
 - Siteworks Plan by RCI Consulting Engineers, job no. C32228-30, sheet no. 1 of 1, issue no. C, dated 12 September 2022.
 - Plan set by Metricon Homes, job no. 726121, pages 1-5, dated 17 August 2022.
 - Plan set by Metricon Homes, job no. 726120, pages 1-5, dated 4 August 2022.
 - Landscape Plan by Metricon Homes, pages 1-5, rev. V9, dated 25 January 2023.
 - Signage Plan, Henley Beach Road - Fulham, pages 1-3, undated.
 - Letter from URPS to City of West Torrens, pages 1 & 6, dated 3 January 2022.
2. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
3. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).
4. All planting and landscaping, with the exception of tree planting, shall be completed within six (6) months of occupation or the next available planting season and be maintained in a reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.
5. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling.
6. 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.
7. Prior to the use and/or occupation of the development, all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
8. All car parking areas, driveways and vehicle manoeuvring areas must be constructed and properly drained in accordance with the approved plans prior to the occupation of the premises or the use of the development, and maintained in a good condition at all times.
9. The swimming pool filtration equipment shall be housed within an appropriate noise attenuated enclosure prior to commencement of the use of the pool. The enclosure shall be maintained in a reasonable condition at all times to the satisfaction of the Relevant Authority.

10. On cessation of the temporary development as specified in the application documentation—
 - the use and building classification shall convert to Class 1 and 10 (Dwelling and Garage), and the use of the land for display home purposes subject to this development authorisation will cease;
 - any person who has the benefit of the development will remove all advertising signs, fencing and pathways not associated with the residential use of the site, and will reinstate any garages occupied by temporary office areas to garages; and
 - the temporary car park, including any lights, gravel and wheel stops, shall be removed and the land shall return to vacant land.
11. The hours of operation of the premises shall not exceed the following period:
 - Monday to Wednesday: 12pm to 5pm.
 - Thursday to Friday: Closed
 - Saturday to Sunday: 12pm to 5pm.
12. All external and car park lighting shall be designed and constructed in accordance with Australian Standard (AS 4282-1997) and not result in unreasonable light spill to adjacent residential land uses to the satisfaction of the Relevant Authority.
13. The content of the advertisements shall relate only to the lawful use of the land and no third-party advertising shall be displayed.
14. The advertisements shall not be internally illuminated.
15. A 6m concrete pad shall be installed on Lot 1 at the edge of the crossover to Newbury Street to minimise drag-out of gravel and sediment to the public road and maintained in good condition.

Commissioner of Highways (DIT) Conditions

16. Access to Henley Beach Road and Newbury Road shall be located as shown on Metricon, Landscape Plan, Revision V1A, dated 10 October 2021.
17. The residential access on Henley Beach Road shall incorporate a vehicle turntable as shown on Metricon Homes, Job No. 726120, Sheet 1 dated 6 September 2021. The access shall be a 3.5m in width at the property boundary with suitable flaring to the road.
18. The car park access on Newbury Road shall be widened to 6 metres in width (or as far as practical) to allow two-way simultaneous vehicular movements minimising queuing within the Henley Beach Road / Newbury Street junction.
19. All vehicles shall enter and exit Henley Beach Road in a forward direction.
20. The car park gate shall be opened at all times that the display homes are open for public viewing.
21. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.

22. The obsolete crossover on Henley Beach Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to display homes opening to the public.
23. Stormwater run-off shall be collected on-site and discharged without impacting the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

6.2.2 11 - 13 Lydia Street, PLYMPTON

Application No 22037262

5.29pm *Ms Jane Strange declared direct pecuniary conflict of interest as her daughter Ms Karen Mitrovic is the author of the report. Ms Strange left the meeting for the discussion and decision.*

Appearing before the Panel were:

Representor/s: **Margaux Hurley** of 22 Lydia Street, Plympton did not appear in support of their representation.

Kathryn Ratcliffe of Unit 1, 15 Lydia Street, Plympton did not appear in support of their representation

Applicant/s: **Fabian Barone** of Future Urban appeared to answer questions of the Panel.

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 2022.21.
2. Application No. 22037262 by Ausbird Group Pty Ltd C/- Future Urban Construction of two (2) three storey residential flat buildings comprising 16 dwellings (CT-5378/533 and CT- 5122/745) is GRANTED Planning Consent subject to the following conditions of consent:

Development Plan 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. N-21093_ SD001, Revision E, Proposed Site Plan
 - Drawing No. N-21093_ SD002, Revision E, Combined Site and Ground Floor Plan
 - Drawing No. N-21093_ SD003, Revision E, Proposed Level 1 Plan
 - Drawing No. N-21093_ SD004, Revision E, Proposed Level 2 Plan

- Drawing No. N-21093_ SD005, Revision E, Proposed Roof Plan
 - Drawing No. N-21093_ SD006, Revision E, Proposed Elevation
 - Drawing No. N-21093_ SD007, Revision E, Proposed Elevation
 - Drawing No. N-21093_ SD008, Revision E, Proposed Elevation
 - Drawing No. N-21093_ SD012, Revision E, Landscaping Plan
 - Sheet Number SD1/C - TEK Engineers - Site and Drainage Plan
 - Traffic Reports prepared by Phil Weaver and Associates - Dated 30 August, 2022, and 18 January, 2023
 - Future Urban Report dated November 1, 2022
2. 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.
 3. All planting and landscaping, with the exception of tree planting, shall be completed within six (6) months of occupation or the next available planting season and be maintained in a reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.
 4. 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.
 5. All car parking areas, driveways and vehicle manoeuvring areas must be constructed and properly drained in accordance with the approved plans prior to the occupation of the premises or the use of the development, and maintained in a good condition at all times.
 6. All waste collection is to be undertaken in accordance with the Waste Management Plan prepared by Future Urban in the report dated 1 November 2022, to the reasonable satisfaction of Council. This includes:
 - All Waste collection being undertaken by a licensed private waste collection provider;
 - All Waste storage receptacles being stored in a common area including: 1 x 1100-litre bin and 1 x 340-litre bin for General Waste, 2 x 660-litre bins for Recyclables and 2 x 240-litre bins for Organics;
 - The licensed private waste collection provider is to provide a weekly general, recycling and green organics waste collection service.
 7. All waste and other rubbish shall be stored in a manner so that it does not, in the reasonable opinion of the Council, create:
 - insanitary conditions on or off the site;
 - an unreasonable nuisance off the site; or
 - pollution to the environment (including by pollution caused by substances, materials or things entering the stormwater system either by wind or water).
 8. All waste and other rubbish shall be stored in the designated areas and screened from public view in accordance with the approved plans.

COUNCIL ASSESSMENT PANEL DECISION

The Council Assessment Panel resolved 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 2022.21.
2. Application No. 22037262 by Ausbird Group Pty Ltd C/- Future Urban Construction of two (2) three storey residential flat buildings comprising 16 dwellings (CT-5378/533 and CT- 5122/745) is REFUSED Planning Consent for the following reasons:

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

- Urban Corridor (Boulevard) Zone, Interface Height, Performance Outcome 4.1
- General Development Policies, Design in Urban Areas, Private Open Space, Performance Outcome 27.1
- General Development Policies, Design in Urban Areas, Landscaping, (Designated Performance Feature 13.1
- Urban Corridor (Boulevard) Zone, Built Form and Character, Designated Performance Feature 2.4
- Urban Corridor (Boulevard) Zone, Built Form and Character, Designated Performance Feature 2.6

5.56pm Ms Jane Strange returned to the meeting.

6.2.3 36 Light Terrace, THEBARTON

Application No 22005398

Appearing before the Panel were:

Representor: **Steve Benson** of 38B Light Terrace, Thebarton appeared in support of the representation

Alison & Alec Deslandes of 38a Light Terrace, Thebarton appeared in support of the representation.

Applicant: **Nick Simos** 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 2022.7.
2. Application No. 22005398 by Michael and Wendy Sabatino to construct a domestic outbuilding comprising garage, cellar, amenities, and mezzanine storage at 36 Light Terrace, Thebarton is GRANTED Planning Consent 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 (Sheet 01 of 03, Issue 5, Job Number 15/IP-2122), prepared by Grandvision Design, dated 20th January, 2023
 - Mezzanine, Ground and Cellar Plan (Sheet 02 of 03, Issue 5, Job Number 15/IP-2122), prepared by Grandvision Design, dated 20th January, 2023
 - South, North, East & West Elevations ((Sheet 03 of 03, Issue 5, Job Number 15/IP-2122), prepared by Grandvision Design, dated 20th January, 2023
2. The domestic outbuilding herein granted consent shall not be used for commercial uses, trade nor any use which is not reasonably incidental to the use of the land for residential purposes.
3. Prior to the use and/or occupation of the structure, all stormwater from buildings and paved areas shall be disposed of in accordance the approved plans and details.

COUNCIL ASSESSMENT PANEL DECISION

The Council Assessment Panel resolved 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 2022.7.
2. Application No. 22005398 by Michael and Wendy Sabatino to construct a domestic outbuilding comprising garage, cellar, amenities, and mezzanine storage at 36 Light Terrace, Thebarton is REFUSED Planning Consent for the following reasons:

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

- Established Neighbourhood Zone, Site Coverage, Performance Outcome 3.1
Reason: The building footprint does not allow sufficient space to limit visual impact, nor provide an attractive outlook from nearby land.
- Established Neighbourhood Zone, Ancillary buildings and structures, Performance Outcome 11.1
Reason: The proposed development detracts from the appearance of neighbouring properties.
- Established Neighbourhood Zone, Ancillary buildings and structures, Designated Performance Feature 11.1
Reason: The proposed habitable outbuilding has a floor area of more than 60sqm and the proposed wall length exceeds 8m, resulting in visual amenity impacts upon adjoining land.

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

That the recommendation be adopted.

6:26pm the meeting moved into Confidence and the confidential session commenced.

6:37pm 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 - March 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 Planning Policy Considerations

Nil

11 MEETING CLOSE

The Presiding Member declared the meeting closed at 6.40pm.