

CITY OF WEST TORRENS



**Confidential Minutes**  
**of Report Item 7.1**  
**of the**  
**COUNCIL ASSESSMENT PANEL**

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

on

**TUESDAY, 10 SEPTEMBER 2019**  
**at 5.00pm**

**Donna Ferretti**  
**Assessment Manager**

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Released

## 7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

### 7.1 5 Wainhouse Street, TORRENSVILLE

Application No 211/1349/2018

#### Reason for Confidentiality

It is recommended that this Report be considered in CONFIDENCE in accordance with regulation 13(2)(a) (vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017*, which permits the meeting to be closed to the public for business relating to the following:

- (vii) matters that must be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (viii) legal advice.

as 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.

#### Council Assessment Panel resolved 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 then 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.

**5.29pm** the meeting moved into Confidence and the confidential session commenced.

**PRESENT:****Panel Members:**

Presiding Member: Ms C Dunn  
Council Member: Mr G Nitschke  
Independent Members: Ms J Strange, Mr B Russ, Mr M Arman

**Officers:**

Ms Hannah Bateman (General Manager Urban Services - Acting)  
Dr Donna Ferretti (Assessment Manager)  
Ms Rachel Knuckey (Team Leader Planning)  
Mr Josh Banks (Senior Development Officer - Planning)  
Ms Sonia Gallarello (Development Officer - Planning)  
Ms Amelia DeRuvo (Development Officer - Planning)  
Ms Ebony Cetinich (Development Officer - Planning)

**RECOMMENDATION**

The Council Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Development Act 1993* (as amended) finds the proposal to be not seriously at variance with the Development Plan and resolves to advise the Environment Resources and Development Court that it does SUPPORT Development Plan Consent for Application No. 211/1349/2018 by E Politis to undertake demolition of existing dwelling and associated ancillary domestic structures and construction of one single storey detached dwelling and a two-storey residential flat building comprising two dwellings at 5 Wainhouse Street, Torrensville (CTs 6084/926 & 6084/927) subject to the following conditions:

**Council Conditions**

1. The development shall be undertaken, completed and maintained in accordance with the plans and information detailed in this application except where varied by any conditions listed below.

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

2. Prior to the occupation or use of the development, all stormwater design and construction shall be to the satisfaction of Council 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; or
- b) Affect the stability of a building; or
- c) Create insanitary 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 external materials, surface finishes and colours shall be consistent with the information detailed in this application and shall be maintained in a good condition at all times to the reasonable satisfaction of Council.

*Reason: To ensure a high standard of materials and finishes are used in the final presentation of the building.*

4. Prior to the occupation or use of the development, all driveways, parking and vehicle manoeuvring areas shall be constructed and surfaced with concrete, bitumen or paving, and shall be drained and maintained in a good condition at all times to the reasonable satisfaction of Council.

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

5. The establishment of all landscaping shall occur no later than the next available planting season after substantial completion of the development. Such landscaping shall be maintained in good health and condition to the reasonable satisfaction of Council at all times. Any dead or diseased plants or trees shall be replaced with a suitable species.

*Reason: To provide amenity for the occupants of the development and those of adjacent properties.*

6. Prior to the occupation or use of the development, the upper storey windows on the rear (western) elevations of Dwellings 2 and 3 shall be fitted with fixed obscure glass (not film coated) or raised sills to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties. The glazing in these windows shall be maintained in good condition at all times to the reasonable satisfaction of Council.

*Reason: To minimise the impact on privacy to residents of adjoining dwellings.*

#### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

#### **FURTHER**

1. Pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, Item 7.1 - 5 Wainhouse Street, TORRENSVILLE, including the report, attachments and any discussions (excluding the decision), having been dealt with in confidence under regulation 13(2)(a)(vii) and (viii) of the *Planning, Development and Infrastructure (General) Regulations 2017* and in accordance with regulation 14(4) of the *Planning, Development and Infrastructure (General) Regulations 2017*, be kept confidential until a decision of the Environment, Resources and Development Court relevant to the item is made, on the basis that 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. The Council Assessment Panel gives authority to the Assessment Manager to review, but not extend, the confidential order on a monthly basis.

#### **COUNCIL ASSESSMENT PANEL DECISION**

That Panel resolved that the recommendation be adopted.

**5.38pm** the Confidential session closed and the meeting reopened to the public.