

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, 11 JUNE 2019
at 5.00pm

Donna Ferretti
Assessment Manager

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Released

7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

7.1 Consideration of Appeal - ERD 19-69: 19 Carlton Parade, TORRENSVILLE

Application No 211/1089/2018

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.

6.05pm the meeting moved into Confidence and the Confidential session commenced.

PRESENT:**Panel Members:**

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

Officers:

Mr Angelo Catinari (General Manager Urban Services)
Dr Donna Ferretti (Assessment Manager)
Ms Hannah Bateman (Manager City Development)
Ms Rachel Knuckey (Team Leader Planning)
Mr Jordan Leverington (Senior Development Officer - Planning)
Mr Josh Banks (Senior Development Officer - Planning)
Ms Sonia Gallarello (Development Officer - Planning)

RECOMMENDATION B

1. The legal advice from Kelledy Jones in **Attachment 1** and **Attachment 2** be received and noted.
2. 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*, 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. 211/1089/2018 by Fairmont Homes to construct a two storey detached dwelling and retaining walls and fencing to a maximum height of 2.2 metres at 19 Carlton Parade, Torrensville (CT 6037/730) subject to the following conditions:

Development Plan Consent Conditions:

1. The development must be undertaken, completed and maintained in accordance with the following plans and information:
 - Site plan by Fairmont Homes.
 - Front elevation, Rear Elevation, Lower Floor, Upper Floor, Left Elevation, Right Elevation, Southern Elevation for Lots 703 and 704, Landscaping Schedule by Fairmont Homes at Lot 301 (house 1) (118340- C).
 - SAF Consulting Engineers Drainage Plan, Job No 1808198, CRD/D, Date Oct -18, revision D.

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

2. The noise attenuation measures specified in the BESTEC report for 17 & 19 Carlton Parade, Torrensville 'Acoustic Services Aircraft Noise Assessment' report dated 13 December 2018 and the recommendations for Dwelling 2 noted on pp.4-5 of that report shall be adopted and installed prior to the occupancy of the development.

Reason: To protect the amenity of residents of the dwelling from aircraft noise.

3. The roof of the dwelling approved herein shall be finished in Colorbond® sheeting with a corrugated profile.

Reason: To maintain the historic character and amenity of the area.

4. 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.

5. The stormwater connection through the road verge area shall be constructed of shape and material to satisfy Council's standard requirements as follows:
 - a) 100 x 50 x 2mm RHS Galvanised Steel or
 - b) 125 x 75 x 2mm RHS Galvanised Steel or
 - c) Multiples of the above
 - d) No connection through bus stop hard stand (if applicable).

Reason: To maintain existing Council infrastructure.

6. All landscaping shall be planted in accordance with the approved plans within three (3) months of the occupancy of the development. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die.

A watering system shall be installed and maintained at the time landscaping is established and operated so that all plants receive sufficient water to ensure their survival and growth.

Reason: To enhance the amenity of the site and locality and to mitigate against heat loading.

7. The upper storey windows on the front, rear and east elevations of the dwelling shall be fitted with fixed obscure glass 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, prior to occupation of the building. The glazing in these windows shall be maintained in good condition to the satisfaction of Council at all times.

Reason: To maintain the privacy of neighbouring residents.

8. Perimeter fencing shall be no higher than 1.8 metres and tapered down toward the street at the driveway entrance to the satisfaction of Council. All necessary approvals shall be sought where required.

Reason: To maintain the heritage character of the street and locality.

9. Prior to occupancy of the dwelling, a 3000 litre stormwater collection and reuse tank and associated plumbing to service all toilets and the laundry within the dwelling is to be installed and operational.

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

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 - Consideration of Appeal - ERD 19-69: 19 Carlton Parade, 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.

6.14pm the Confidential session closed and the meeting reopened to the public.