

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, 13 AUGUST 2019
at 5.00pm

Donna Ferretti
Assessment Manager

Index

7 Confidential Reports Of The Assessment Manager 1
7.1 Compromise Proposal - ERD-19-81 - 428 Henley Beach Road, LOCKLEYS 1

Released

7 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

7.1 Compromise Proposal - ERD-19-81 - 428 Henley Beach Road, LOCKLEYS

Application No 211/1059/2018

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.

5.30pm 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	(Chief Executive Officer - Acting)
Dr Donna Ferretti	(Assessment Manager)
Ms Hannah Bateman	(Manager City Development)
Mr Jordan Leverington	(Senior Development Officer - Planning)
Ms Ebony Cetinich	(Development Officer - Planning)
Ms Amelia DeRuvo	(Development Officer - Planning)

RECOMMENDATION

1. The legal advice from Botten Levinson Lawyers in **Attachment 2** of the Agenda report 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 and Land Division Consent for Application No. 211/1059 /2018 by 428 Henley Beach Road Pty Ltd to undertake a combined Land division - Community Title; SCAP No. 211/C128/18; Create four (4) additional allotments and common property and construction of five (5) two storey group dwellings and associated retaining wall and fence (2.4 metres maximum combined height) at 428 Henley Beach Road, Lockleys (CT 5462/274) 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 City of West Torrens as reserved matters under Section 33(3) of the *Development Act 1993*:

1. An amended plan of division to reflect the site boundaries as per the 'Site Plan - Ground Floor Plans' by Visual Lines Building Design (Drawing Number: BG19-04, Sheet: 1, Date: 01-07-2019);
2. Detailed Stormwater Management Plan/Civil Plan.

Development Plan Consent Conditions:

1. The development shall be undertaken and completed in accordance with the following plans and information detailed in this application except where varied by any condition(s) listed below.
 1. 'Site Plan - Ground Floor Plans' by Visual Lines Building Design (Drawing Number: BG19-04, Sheet: 1, Date: 01-07-2019);
 2. 'Upper Floor Plans' by Visual Lines Building Design (Drawing Number: BG19-04, Sheet: 2, Date: 01-07-2019);
 3. 'Elevations' by Visual Lines Building Design (Drawing Number: BG19-04, Sheet: 3, Date: 01-07-2019);
 4. 'Colour Schedule' by Visual Lines Building Design (Drawing Number: BG19-04, Sheet: 4, Date: 01-07-2019).

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

2. Prior to occupation of the dwellings approved herein, the upper level windows, where indicated on the approved 'Elevations' by Visual Lines Building Design, shall be fixed with obscure glass to a minimum height of 1.7 metres above the upper floor level. Obscure glass shall be maintained in good condition at all times to the reasonable satisfaction of Council.

Reason: To maintain the privacy of neighbouring residents.

3. Within one (1) month of the practical completion of the development approved herein, all driveways, parking and manoeuvring areas shall be formed, surfaced with concrete, bitumen or paving and properly drained, and maintained in 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 and ensure that dust nuisance is minimised.

4. Within six (6) months of the practical completion of the development approved herein, all landscaping indicated on the approved 'Site Plan - Ground Floor Plans' by Visual Lines Building Design, shall be planted. The landscaping shall be maintained in good health and condition at all times and any dead or diseased plants shall be replaced immediately to the reasonable satisfaction of the Council.

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

5. The sides of the carports located on the eastern and western boundaries (dwellings 3 and 5) shall remain open at all times.

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

Conditions imposed upon recommendation of the Department of Planning, Transport and Infrastructure:

6. All access shall be gained via the shared access adjacent the eastern property boundary (as shown on related Concept Drawing WO 01, dated 27 November 2018).

Reason: To satisfy the requirements of the Department of Planning, Transport and Infrastructure (DPTI).

7. The shared access shall be flared appropriately to the kerb for easy access and egress movements.

Reason: To satisfy the requirements of DPTI.

8. The obsolete crossover adjacent the western property boundary shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense.

Reason: To satisfy the requirements of DPTI.

9. All vehicles must enter and exit Henley Beach Road in a forward direction.

Reason: To satisfy the requirements of DPTI.

10. The initial 6 x 6 metre area of the shared driveway and all on-site vehicle manoeuvring areas shall remain clear of any impediments (including utility meters, vegetation, fencing/retaining walls, letterboxes and parked vehicles).

Reason: To satisfy the requirements of DPTI.

11. Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Henley Beach Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

Reason: To satisfy the requirements of DPTI.

Land Division Consent Conditions

Council Requirements

Nil

SCAP Requirements

12. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H H0077577).

SA Water Corporation further advise that an investigation will be carried out to determine if the water and/or sewer connection/s to your development will be costed as standard or non-standard.

The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

Reason: To satisfy the requirements of the South Australian Water Corporation.

13. Payment of \$29,012.00 into the Planning and Development Fund (4 allotments @ \$7253.00 /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 State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person by cheque or card, at Level 5, 50 Flinders Street, Adelaide.

Reason: To satisfy the requirements of the State Commission Assessment Panel.

14. 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 for Land Division Certificate purposes.

Reason: To satisfy the requirements of the State Commission Assessment Panel.

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 - Compromise Proposal - ERD-19-81 - 428 Henley Beach Road, LOCKLEYS, 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.