

CITY OF WEST TORRENS



# **MINUTES**

## **of the**

# **COUNCIL ASSESSMENT PANEL**

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

on

**TUESDAY, 8 AUGUST 2023**  
**at 5.00pm**

**Hannah Bateman**  
**Assessment Manager**

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## **1 MEETING OPENED**

The Presiding Member declared the meeting open at 5.00pm.

### **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.

## **2 PRESENT**

### **Panel Members:**

Presiding Member:	Mr T Byrt
Council Member:	Mr G Nitschke
Independent Members:	Mr M Arman, Mr D Donaldson, Mr G Burns

### **Officers:**

Mr Angelo Catinari	(Deputy Chief Executive Officer)
Ms Hannah Bateman	(Manager City Development and Assessment Manager)
Mr Nicholas Timotheou	(Team Leader Planning)
Mr Steven Burke	(Development Officer - Planning)
Mr Julien Beauvillier	(Development Officer - Planning)
Ms Pat Mosca	(Minute Taker)
Ms Maria Annandale-James	(Minute Taker)

## **3 APOLOGIES**

Nil

## **4 CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the meeting of the Council Assessment Panel held on 11 July 2023 be confirmed as a true and correct record.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

## **5 DISCLOSURE STATEMENTS**

Nil

## 6 REPORTS OF THE ASSESSMENT MANAGER

### 6.1 Transitional Applications

Nil

### 6.2 PDI Act Applications

#### 6.2.1 282-290 Henley Beach Road, UNDERDALE

Application No 23010124

Appearing before the Panel were:

Representors: **Max Glass** of 25/281 Henley Beach Road, Brooklyn Park did not appear in support of the representation.

**Leah Cocks** of Unit 4 280 Henley Beach Road, Underdale did not appear in support of the representation.

**Michael Gramp** of PO Box 708, Torrensville appeared in support of the representation.

Applicant: **Tim Beazley** of Peregrine Corporation appeared in response to the representations.

## 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 Version 2023.5 .
2. Application No. 23010124 by PC Infrastructure Pty Ltd to carry out Alterations and additions to retail fuel outlet, including minor façade and treatment alterations, new drive-through facility, acoustic boundary fencing and illuminated freestanding pylon advertisement (CT- 5803/781) 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:
2. All planting and landscaping 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.
3. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.

4. All car parking spaces shall be line marked, in accordance with the approved plans and in accordance with AS 2890.1, 2004 Parking Facilities, Part 1, Off Street Carparking, prior to the occupation of the proposed development. Line marking and directional arrows shall be clearly visible at all times.
5. All external lighting must be designed and constructed in accordance with Australian Standard (AS 4282-1997).
6. The advertisement(s) and supporting structure(s) shall be maintained in good repair at all times.
7. The content of the advertisement(s) shall relate only to the lawful use of the land and no third-party advertising shall be displayed.

### **Commissioner of Highways Conditions**

8. All access to the development shall be gained in accordance with the site plan produced by Stantec, drawing no. 301401112-1190-01-P4-AT01 and 301401112-1190-01-P4-AT02, dated 18/05/2023.
9. All vehicles shall enter and exit the site in forward direction only. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
10. The access points, loading bays and all parking areas shall be suitably line marked and signed to achieve the desired flow through the site.
11. Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
12. The final location of the LED sign shall be to the satisfaction of the Commissioner of Highways to ensure that the sign will not result in driver distraction or a hazard to road users.
13. The led sign shall be permitted to display one self- contained message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 seconds. The sign shall not flash, scroll or move. Furthermore, the sign shall not be permitted to display or imitate a traffic control device in any way. Animated effects such as 'fade', 'zoom' or 'fly in/out' shall not be used.
14. Signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Accordingly, all illuminated signs visible from the arterial road network shall be limited to a low level of illumination (i.e.  $< 150\text{Cd/m}^2$ ), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

Ambient Conditions Sign Illuminance Vertical Component (Lux) Sign Luminance ( $\text{Cd/m}^2$ )

Sunny Day 40000 6300

Cloudy Day 4000 1100

Twilight 400 200

Dusk 40 100

Night  $<4$  60

15. The operational system for the LED sign shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction. The screen shall only be reactivated in the next available off-peak period.
16. All other illuminated signs shall be limited to a low level of illumination so as to minimise distraction to motorists ( $\leq 150\text{cd/m}^2$ ).

### **Advisory Note 1**

The Metropolitan Adelaide Road Widening Plan shows that a strip of land up to 4.5 metres in width may be required from the Holbrooks Road and Henley Beach Road frontages of this site along with additional land at the Holbrooks Road and Henley Beach Road corner for future road purposes. The works in the subject development is clear of this requirement. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6.0 metres of the possible requirements.

### **COUNCIL ASSESSMENT PANEL DECISION**

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 Version 2023.5.
2. Application No. 23010124 by PC Infrastructure Pty Ltd to carry out Alterations and additions to retail fuel outlet, including minor façade and treatment alterations, new drive-through facility, acoustic boundary fencing and illuminated freestanding pylon advertisement (CT- 5803/781) 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:
2. All planting and landscaping 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.
3. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
4. All car parking spaces shall be line marked, in accordance with the approved plans and in accordance with AS 2890.1, 2004 Parking Facilities, Part 1, Off Street Carparking, prior to the occupation of the proposed development. Line marking and directional arrows shall be clearly visible at all times.
5. All external lighting must be designed and constructed in accordance with Australian Standard (AS 4282-1997).

6. The advertisement(s) and supporting structure(s) shall be maintained in good repair at all times.
7. The content of the advertisement(s) shall relate only to the lawful use of the land and no third-party advertising shall be displayed.
8. Acoustic treatments as part of the development shall be completed prior to the use of the drive-through facility.

### **Commissioner of Highways Conditions**

9. All access to the development shall be gained in accordance with the site plan produced by Stantec, drawing no. 301401112-1190-01-P4-AT01 and 301401112-1190-01-P4-AT02, dated 18/05/2023.
10. All vehicles shall enter and exit the site in forward direction only. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
11. The access points, loading bays and all parking areas shall be suitably line marked and signed to achieve the desired flow through the site.
12. Stormwater run-off shall be collected on-site and discharged without impacting the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.
13. The final location of the LED sign shall be to the satisfaction of the Commissioner of Highways to ensure that the sign will not result in driver distraction or a hazard to road users.
14. The led sign shall be permitted to display one self- contained message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 seconds. The sign shall not flash, scroll or move. Furthermore, the sign shall not be permitted to display or imitate a traffic control device in any way. Animated effects such as 'fade', 'zoom' or 'fly in/out' shall not be used.
15. Signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Accordingly, all illuminated signs visible from the arterial road network shall be limited to a low level of illumination (i.e.  $< 150\text{Cd/m}^2$ ), except in the case of electronic signage, which shall be limited to the following stepped luminance levels:

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17. All other illuminated signs shall be limited to a low level of illumination so as to minimise distraction to motorists ( $\leq 150\text{cd/m}^2$ ).

### Advisory Note 1

The Metropolitan Adelaide Road Widening Plan shows that a strip of land up to 4.5 metres in width may be required from the Holbrooks Road and Henley Beach Road frontages of this site along with additional land at the Holbrooks Road and Henley Beach Road corner for future road purposes. The works in the subject development is clear of this requirement. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act 1972 is required to all building works on or within 6.0 metres of the possible requirements.

#### 6.2.2 17 Neville Road, THEBARTON

Application No 23006393

Appearing before the Panel were:

Representor: **Benjamin Crawshaw** of 1 Ross St, Thebarton appeared in support of the representation by telephone.

Applicant: **Patrick Coombes** of URPS appeared in response to the representation on behalf of the applicant.

### 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 Version 2023.4 (16 March 2023).
2. Application No. 23006393 by Mr Spiro Perdi to carry out the construction of alterations and additions to an existing dwelling comprising two building levels and basement level, a masonry fence to a maximum height of 2.1 metres, a timber picket fence to a maximum height of 1.2 metres within 6 metres of an intersection, a swimming pool with associated safety barrier and the re-roofing of an existing dwelling to sheet metal (CT-5774/959) 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. A letter from the asset owner of the communications pit adjacent the crossover to Ross Street confirming the pit lid is trafficable to the satisfaction of the Assessment Manager.
2. An amended Site Plan demonstrating the pool filtration equipment within an acoustic enclosure is located a minimum of 5 metres from the nearest dwelling on an adjacent site.

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 granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. All planting and landscaping 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.
3. 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.
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. 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.
6. 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 council's satisfaction.

**COUNCIL ASSESSMENT PANEL DECISION**

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 Version 2023.4 (16 March 2023).
2. Application No. 23006393 by Mr Spiro Perdi to carry out the construction of alterations and additions to an existing dwelling comprising two building levels and basement level, a masonry fence to a maximum height of 2.1 metres, a timber picket fence to a maximum height of 1.2 metres within 6 metres of an intersection, a swimming pool with associated safety barrier and the re-roofing of an existing dwelling to sheet metal (CT-5774/959) 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. A letter from the asset owner of the communications pit adjacent the crossover to Ross Street confirming the pit lid is trafficable to the satisfaction of the Assessment Manager.
2. An amended Site Plan demonstrating the pool filtration equipment within an acoustic enclosure is located a minimum of 5 metres from the nearest dwelling on an adjacent site.

3. The provision of a landscape plan detailing the location and species of plantings throughout the site, to the reasonable satisfaction of the Assessment Manager.

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 granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. All planting and landscaping 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.
3. 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.
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. 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.
6. 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 council's satisfaction.

**7 REVIEW OF ASSESSMENT MANAGER DECISION**

Nil

**8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER**

Nil

## **9 RELEVANT AUTHORITY ACTIVITIES REPORT**

### **9.1 Activities Summary - August 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. 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 6.09 pm.