

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, 9 MAY 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.

### **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 Nitschke
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 Nicholas Timotheou	(Team Leader City Development)
Ms Karen Mitrovic	(Senior Development Officer Planning)
Mr Brett Mickan	(Development Technician, Minute Taker)
Ms Pat Mosca	(Development Technician, Minute Taker)

## **3 APOLOGIES**

Nil

## **4 CONFIRMATION OF MINUTES**

### **RECOMMENDATION**

That the Minutes of the meeting of the Council Assessment Panel held on 11 April 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 disclosures of interest were made:

Item	Type of Conflict	Panel Member
8.1 - 148 Anzac Highway, GLANDORE	Direct pecuniary	Ms Jane Strange

## 6 REPORTS OF THE ASSESSMENT MANAGER

### 6.1 Transitional Applications

Nil

### 6.2 PDI Act Applications

#### 6.2.1 495-499 Henley Beach Road, FULHAM

Application No 22041448

Appearing before the Panel were:

Representor: **Peter and Lyn Martin** of 5 Russo Court, Fulham appeared in support of the representation.

Applicant: **Charlie Dubois** of MasterPlan 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 application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code Version 2022.24.
2. Application No. 22041448 by Lockleys Hotel to carry out alterations and additions to existing Hotel (CT- Volume 5138 Folio 934, Volume 5297 Folio 867, Volume 5140 Folio 748 and Volume 6214 Folio 830) 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:
  - Site Plan by Studio Nine Architects, project number 0910-567, Drawing number PA2.02
  - Site/Ground Floor Plan by Nine Architects, project number 0910-567, Drawing number PA2.03
  - Roof Plan by Nine Architects, project number 0910-567, Drawing number PA2.04
  - Hotel Elevations by Nine Architects, project number 0910-567, Drawing number PA2.05

2. 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.
3. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
4. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment and shall be screened from public view to the reasonable satisfaction of Council.
5. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the Environment Protection (Noise) Policy 2007, or subsequent legislation.
6. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.

### **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 2022.24.
2. Application No. 22041448 by Lockleys Hotel to carry out alterations and additions to existing Hotel (CT- Volume 5138 Folio 934, Volume 5297 Folio 867, Volume 5140 Folio 748 and Volume 6214 Folio 830) is GRANTED Planning Consent subject to the following conditions of consent:

#### **Reserve Matter**

1. 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*:

The provision of a landscaping plan detailing the location of existing vegetation to be retained and the location and species of proposed landscaping throughout the site, to the reasonable satisfaction of the Assessment Manager

Pursuant to Section 127 of the PDI 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 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 by Studio Nine Architects, project number 0910-567, Drawing number PA2.02
  - Site/Ground Floor Plan by Nine Architects, project number 0910-567, Drawing number PA2.03
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3. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
4. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment and shall be screened from public view to the reasonable satisfaction of Council.
5. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the Environment Protection (Noise) Policy 2007, or subsequent legislation.
6. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.

## **7 REVIEW OF ASSESSMENT MANAGER DECISION**

Nil

## **8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER**

### **8.1 148 Anzac Highway, GLANDORE**

Application No. 22032260

**5.49pm** *Ms Jane Strange declared a direct pecuniary conflict of interest as Ms Karen Mitrovic, the author of the report, is a close relative. Ms Strange left the meeting for the discussion and decision.*

#### **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.

As the author of the report, Ms Mitrovic, is a close relation, I have a direct pecuniary interest and will leave the room during this item.

## 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

The Panel resolved that the recommendation be adopted.

**5.45pm** the meeting moved into Confidence and the confidential session commenced.

**5.49pm** the Confidential session closed and the meeting reopened to the public.

**Note: The Confidential minutes are kept separate from this document.**

**5.50pm** Ms Strange returned to the meeting.

## 9 RELEVANT AUTHORITY ACTIVITIES REPORT

### 9.1 Activities Summary - May 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 Manager 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

**10.2 Apology - Jane Strange**

Ms Strange advised she will be away next month and this will be her last CAP meeting. Members thanked Ms Strange for her service and contribution.

**11 MEETING CLOSE**

The Presiding Member declared the meeting closed at 5.53pm.