

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, 12 SEPTEMBER 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 Kieron Barnes	(Planning Consultant)
Mr Andrew Simons	(Senior Development Officer - Planning)
Mr Brett Mickan	(Development Support Officer, Minute Taker)
Ms Maria Annandale-James	(Development Support Officer)
Ms Pat Mosca	(Development Support Officer)

3 APOLOGIES

Nil

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 8 August 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
Item 6.2.1 - 164 South Road, TORRENSVILLE and 110 Henley Beach Road, TORRENSVILLE	Direct Pecuniary	Mr Graham Nitschke
Item 6.2.1 - 164 South Road, TORRENSVILLE and 110 Henley Beach Road, TORRENSVILLE	Perceived Indirect Pecuniary	Mr Graham Burns

Mr Don Donaldson advised that, in relation to Item 6.2.2, Mathew Falconer of Urban Planning + Design is involved in this development application and undertakes work for his employer, City of Unley. He has had no involvement with Mathew Falconer of Urban Planning + Design regarding this development and does not believe there is a conflict of interest. Mr Donaldson will remain in the room for the deliberation and decision.

6 REPORTS OF THE ASSESSMENT MANAGER

6.1 Transitional Applications

Nil

6.2 PDI Act Applications

6.2.1 164 South Road, TORRENSVILLE and 110 Henley Beach Road, TORRENSVILLE

Application No 23010152

5.03pm *Mr Graham Burns declared an indirect pecuniary conflict of interest in relation to this matter as until recently he was a former Director of MasterPlan. Mr Burns left the meeting for the discussion and decision.*

5.04pm *Mr Graham Nitschke declared a direct conflict of interest in relation to this matter as he is currently an elected member with the City of West Torrens and has also voted in Council on motions in relation to this development. Mr Nitschke left the meeting for the discussion and decision.*

Appearing before the Panel were:

Representors: **Paul Finn** on behalf of **Terri Finn** of 3 Danby Street, Torrensville appeared in support of their representation

Vince Francesca of 5 Danby Street, Torrensville appeared in support of their representation.

Applicant: **Tom Vinall of JPE Design Studio, Dean Ottanelli of City of West Torrens and Charlie Dubois from Masterplan** appeared on behalf of the Applicant 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* (PDI Act 2016), and having undertaken an assessment of the applicant against the Planning and Design Code, the application is not seriously at variance with the provisions of the Planning and Design Code Version 2023.6.
2. Application No. 23010152 by City of West Torrens to carry out alterations and additions to State Heritage Place (Thebarton Theatre) including demolition of amenities building, construction of a new two-storey entrance building, construction of a new single-storey loading dock, external modifications, internal modifications, advertisement (digital signage board), demolition of a Representative Building, expansion of car parking area with a new access point to South Road and landscaping across the site 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 *PDI Act 2016*:

1. The provision of detailed plans documenting the amendments required to the existing traffic calming measures on Danby Street shall be provided to the reasonable satisfaction of the Assessment Manager.
2. Confirmation from the asset owner of the street light, junction box and street sign adjacent South Road that they agree to the infrastructure being removed and/or relocated to a suitable location, to the reasonable satisfaction of the Assessment Manager.
3. The provision of a fully engineered siteworks and drainage plan shall be provided 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 Matters 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 specifically plans as listed below:
 - Plans, Elevations, Landscape Plan and External and Internal Finishes schedules prepared by JPE Design Studio Pty Ltd dated 01/08/2023.
 - Letter and Swept Paths prepared by MFY Pty Ltd dated 10/08/2023.
 - Environmental Noise Assessment prepared by Resonate dated 18/08/2023.
 - Planting Palette prepared by JPE Design Studio dated 5/09/2023.
2. Prior to the use of the loading dock, a 2.1 metre high solid fence shall be installed along the northern boundary of the subject land in accordance with the recommendations contained in the Environmental Noise Assessment prepared by Resonate dated 18/08/2023.

3. 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
4. All carparking spaces shall be linemarked, in accordance with the approved plans and in accordance with Australian Standards Association Code AS 2890.1, 2004 Parking Facilities, Part 1, Off Street Carparking, prior to the occupation of the proposed development. Linemarking and directional arrows shall be clearly visible at all times.
5. 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.
6. Wheel stopping devices shall be placed and maintained within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009).
7. Designated accessible (disabled) car parking spaces shall be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.6.2009).
8. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
9. All waste and other rubbish shall be stored in the designated areas and screened from public view in accordance with the approved plans.
10. All external lighting must be designed and constructed in accordance with Australian Standard (AS 4282-1997).
11. The content of the advertisement(s) shall relate only to the lawful use of the land and no third-party advertising shall be displayed.
12. Prior to the commencement of building and works approved under this consent:
 - Tree protection fencing is to be installed on the subject land beneath the canopy of the mature tree located in the rear yard of 4 Danby Street, Torrensville.
 - Any excavation is to use non-destructive methods
 - Excavation works are to be supervised by a suitably qualified arborist (minimum level 3 in Arboriculture)
 - All works required within the fenced area must be undertaken by hand or using non-destructive methods.
 - No root severance can occur within the tree protection fencing area
 - No storage of vehicles or materials is permitted within the tree protection fencing area

Conditions imposed by Commissioner of Highways under Section 122 of the Act

13. The signage shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device.

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 (Cd/m^2)
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	150

15. Signage shall, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
16. The LED displays 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, move or imitate a traffic control device in any way.
17. All access to/from the development shall be gained in accordance with the site plan produced by JPE Design Studio, Project Number 22044, Drawing No. SK-1-02, dated 06.04.2023.
18. The new driveway crossover shall be located a minimum of 1 metre from the light post, speed limit sign and other services located on the adjacent footpath.
19. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
20. All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.
21. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
22. The largest vehicle permitted on-site shall be restricted to a 19m truck.
23. The emergency access point shall be limited to emergency vehicle use only with bollards being installed to prevent regular use of this access.
24. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Advisory Note imposed by Commissioner of Highways under Section 122 of the Act

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for strips of land up to 4.5 metres in width from the South Road and Henley Beach Road frontages of the site, for the possible upgrading of the South Road/ Henley Beach Road intersection. The consent of the Commissioner of Highways under the *Metropolitan Adelaide Road Widening Plan Act 1972* is required to all new building works located on or within 6 metres of the possible requirements. The attached consent form should be completed by the applicant and returned to the Department for Infrastructure and Transport with a copy of the Decision Notification Form and a copy of the approved site plans via dit.landusecoordination@sa.gov.au for processing.

Conditions imposed by Minister responsible for the administration of the *Heritage Places Act 1993* under Section 122 of the Act

25. Confirmation of final colour scheme for proposed paint work to the exterior of the theatre complex must be confirmed with Heritage SA prior to the commencement of painting on site.
26. Any render repair or repointing required as a result of internal and external works must be done using plaster and mortar mix to match existing. Samples to be provided for confirmation of Heritage SA before plastering works commenced.
27. To avoid damage of significant building fabric, removal of interior and exterior walls adjoining existing building fabric to be undertaken using hand tools within 1 metre of retained walls.
28. Cast iron cap from the removed light post base must be retained and stored on site as a record of this aspect of the original fencing arrangement.
29. Garden beds proposed adjacent the existing building must be adequately separated from the walls to avoid bridging of any existing damp course and to prevent rising damp due to irrigation.

General information imposed by Minister responsible for the administration of the *Heritage Places Act 1993* under Section 122 of the Act

1. Any changes to the proposal for which Planning Consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Climate, Environment and Water. Such changes would include for example (a) an application to vary the Planning Consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the development application.
2. Please note the following requirements of the *Heritage Places Act 1993*.
 - (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
 - (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

3. Please note the following requirements of the *Aboriginal Heritage Act 1988*.
 - (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

COUNCIL ASSESSMENT PANEL DECISION

That:

1. Pursuant to Section 107 (2)(c) of the *Planning Development and Infrastructure Act 2016* (PDI Act 2016), and having undertaken an assessment of the applicant against the Planning and Design Code, the application is not seriously at variance with the provisions of the Planning and Design Code Version 2023.6.
2. Application No. 23010152 by City of West Torrens to carry out alterations and additions to State Heritage Place (Thebarton Theatre) including demolition of amenities building, construction of a new two-storey entrance building, construction of a new single-storey loading dock, external modifications, internal modifications, advertisement (digital signage board), demolition of a Representative Building, expansion of car parking area with a new access point to South Road and landscaping across the site 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 *PDI Act 2016*:

1. The provision of additional information that may require amendments to mitigate the use of the South Road and Danby Street thoroughway outside Thebarton Theatre operations.
2. The provision of detailed plans documenting the amendments required to the existing traffic calming measures on Danby Street shall be provided to the reasonable satisfaction of the Assessment Manager.
3. Confirmation from the asset owner of the street light, junction box and street sign adjacent South Road that they agree to the infrastructure being removed and/or relocated to a suitable location, to the reasonable satisfaction of the Assessment Manager.
4. The provision of a fully engineered siteworks and drainage plan shall be provided 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 Matters 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 specifically plans as listed below:
 - Plans, Elevations, Landscape Plan and External and Internal Finishes schedules prepared by JPE Design Studio Pty Ltd dated 01/08/2023.
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2. Prior to the use of the loading dock, a 2.1 metre high solid fence shall be installed along the northern boundary of the subject land in accordance with the recommendations contained in the Environmental Noise Assessment prepared by Resonate dated 18/08/2023.
3. 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
4. All carparking spaces shall be linemarked, in accordance with the approved plans and in accordance with Australian Standards Association Code AS 2890.1, 2004 Parking Facilities, Part 1, Off Street Carparking, prior to the occupation of the proposed development. Linemarking and directional arrows shall be clearly visible at all times.
5. 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.
6. Wheel stopping devices shall be placed and maintained within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009).
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8. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
9. All waste and other rubbish shall be stored in the designated areas and screened from public view in accordance with the approved plans.
10. All external lighting must be designed and constructed in accordance with Australian Standard (AS 4282-1997).
11. The content of the advertisement(s) shall relate only to the lawful use of the land and no third-party advertising shall be displayed.

12. Prior to the commencement of building and works approved under this consent:

- Tree protection fencing is to be installed on the subject land beneath the canopy of the mature tree located in the rear yard of 4 Danby Street, Torrensville.
- Any excavation is to use non-destructive methods
- Excavation works are to be supervised by a suitably qualified arborist (minimum level 3 in Arboriculture)
- All works required within the fenced area must be undertaken by hand or using non-destructive methods.
- No root severance can occur within the tree protection fencing area
- No storage of vehicles or materials is permitted within the tree protection fencing area

Conditions imposed by Commissioner of Highways under Section 122 of the Act

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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 (Cd/m^2)
Sunny Day	40000	6300
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Twilight	400	300
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15. Signage shall, in the case of electronic signage, incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
16. The LED displays 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, move or imitate a traffic control device in any way.
17. All access to/from the development shall be gained in accordance with the site plan produced by JPE Design Studio, Project Number 22044, Drawing No. SK-1-02, dated 06.04.2023.
18. The new driveway crossover shall be located a minimum of 1 metre from the light post, speed limit sign and other services located on the adjacent footpath.
19. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
20. All vehicles shall enter and exit the site in a forward direction. All on-site vehicle manoeuvring areas shall remain clear of any impediments.

21. All off-street car parking shall be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009.
22. The largest vehicle permitted on-site shall be restricted to a 19m truck.
23. The emergency access point shall be limited to emergency vehicle use only with bollards being installed to prevent regular use of this access.
24. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

Advisory Note imposed by Commissioner of Highways under Section 122 of the Act

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for strips of land up to 4.5 metres in width from the South Road and Henley Beach Road frontages of the site, for the possible upgrading of the South Road/ Henley Beach Road intersection. The consent of the Commissioner of Highways under the *Metropolitan Adelaide Road Widening Plan Act 1972* is required to all new building works located on or within 6 metres of the possible requirements. The attached consent form should be completed by the applicant and returned to the Department for Infrastructure and Transport with a copy of the Decision Notification Form and a copy of the approved site plans via dit.landusecoordination@sa.gov.au for processing.

Conditions imposed by Minister responsible for the administration of the *Heritage Places Act 1993* under Section 122 of the Act

25. Confirmation of final colour scheme for proposed paint work to the exterior of the theatre complex must be confirmed with Heritage SA prior to the commencement of painting on site.
26. Any render repair or repointing required as a result of internal and external works must be done using plaster and mortar mix to match existing. Samples to be provided for confirmation of Heritage SA before plastering works commenced.
27. To avoid damage of significant building fabric, removal of interior and exterior walls adjoining existing building fabric to be undertaken using hand tools within 1 metre of retained walls.
28. Cast iron cap from the removed light post base must be retained and stored on site as a record of this aspect of the original fencing arrangement.
29. Garden beds proposed adjacent the existing building must be adequately separated from the walls to avoid bridging of any existing damp course and to prevent rising damp due to irrigation.

General information imposed by Minister responsible for the administration of the *Heritage Places Act 1993* under Section 122 of the Act

1. Any changes to the proposal for which Planning Consent is sought or granted may give rise to heritage impacts requiring further consultation with the Department for Environment and Water, or an additional referral to the Minister for Climate, Environment and Water. Such changes would include for example (a) an application to vary the Planning Consent, or (b) Building Rules documentation that incorporates differences from the proposal as documented in the development application.

2. Please note the following requirements of the *Heritage Places Act 1993*.

- (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity must cease and the SA Heritage Council must be notified.
- (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

For further information, contact the Department for Environment and Water.

3. Please note the following requirements of the *Aboriginal Heritage Act 1988*.

- (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) is to be notified under Section 20 of the *Aboriginal Heritage Act 1988*.

5.56pm *Mr Nitschke and Mr Burns returned to the meeting.*

6.2.2 11 Clarence Street, HILTON

Application No 23017116

Appearing before the Panel were:

Representors: **Louise Bell** of 2/24 Halifax St, Hilton appeared in support of the representation.

Diana Busolin of 2 Liley St, Hilton appeared in support of the representation.

Applicant: **Matthew Falconer of Urban Planning + Design** on behalf of Mr Kyron Statton 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 2023.8.
- 2. Application No. 23017116 by Mr Kyron Statton to carry out the construction of alterations and additions to an existing dwelling (CT-5585/53) is GRANTED Planning Consent subject to the following conditions of consent:

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. 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.
4. 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.

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 2023.8.
2. Application No. 23017116 by Mr Kyron Statton to carry out the construction of alterations and additions to an existing dwelling (CT-5585/53) is GRANTED Planning Consent subject to the following Reserved Matter and conditions of consent:

Reserved Matter:

The following information shall be submitted for further assessment and approval by the Relevant Authority as a Reserved Matter under Section 102(3) of the *PDI Act 2016*:

1. The provision of amended plans to show the upper storey window on the East elevation having a sill height of 1.5 metres.

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 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. 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.
4. 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.

6.2.3 Unit 1-2, 113 Morphett Road, CAMDEN PARK

Application No 23009288

Appearing before the Panel were:

Representor: **Terry Kavanagh** and **Wayne Edwards** for the Community Corporation 21853 Inc. appeared in support of the representation.

Applicant: **Tom Game** of Botten Levinson Lawyers 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 2023.5.
2. Application No. 23009288 by Trustee for the 113 Morphett Unit Trust C/- Future Urban to carry out Variation to development authorisation 211/343/2021 to construct an additional building to increase the number of warehouses from five (5) to nine (9) with associated alterations to parking and landscaping and to affix advertising to the façade of each warehouse is GRANTED Planning Consent subject to the following conditions of consent:

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 waste and other rubbish shall be stored in the designated areas and screened from public view in accordance with the approved plans.
3. The largest vehicle to enter the warehouse buildings shall be limited to an SRV as specified in Australian Standard 2890.2 - 2002 Parking Facilities, Part 2, Off-Street Commercial Vehicle Facilities.
4. All planting and landscaping shall be completed within six (6) months of the use of the land use herein approved 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.
5. All waste and other rubbish associated with the development shall be managed in accordance with the Waste Management Plan dated 10 May 2021, prepared by Colby Phillips Advisory.

COUNCIL ASSESSMENT PANEL DECISION

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. 23009288 by Trustee for the 113 Morphett Unit Trust C/- Future Urban to carry out Variation to development authorisation 211/343/2021 to construct an additional building to increase the number of warehouses from five (5) to nine (9) with associated alterations to parking and landscaping and to affix advertising to the façade of each warehouse is GRANTED Planning Consent subject to the following Reserved Matter and conditions of consent:

Reserved Matter:

The following information shall be submitted for further assessment and approval by the Relevant Authority as a Reserved Matter under Section 102(3) of the *PDI Act 2016*:

1. Amended landscaping plans shall be provided detailing the conversion of the two foremost parking spaces facing Morphett Road on Lot 190 to landscaped areas with planting schedule, 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 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 waste and other rubbish shall be stored in the designated areas and screened from public view in accordance with the approved plans.
3. The largest vehicle to enter the warehouse buildings shall be limited to an SRV as specified in Australian Standard 2890.2 - 2002 Parking Facilities, Part 2, Off-Street Commercial Vehicle Facilities.
4. All planting and landscaping shall be completed within six (6) months of the use of the land use herein approved 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.
5. All waste and other rubbish associated with the development shall be managed in accordance with the Waste Management Plan dated 10 May 2021, prepared by Colby Phillips Advisory.

6.2.4 24 Tarragon Street, MILE END

Application No 21037204

Appearing before the Panel were:

Representor: **Glenda McArthur** of 8A Ocean Ave, West Beach did not appear in support of the representation.

Applicant: **Jason Jurecky** of 24 Tarragon St, Mile End 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 2021.17.
2. Application No. 21037204 by Mr Andrew Foster and Mr Jason Jurecky to carry out the partial demolition of existing dwelling and the construction of a two-storey dwelling addition in two stages (Stage 1 - Concrete slab and external frame; Stage 2 - Balance of works) (CT-5811/397) is GRANTED Planning Consent subject to the following conditions of consent:

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. 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.
3. All planting and landscaping identified on the application plans shall be maintained in a reasonable condition at all times. Any plants that become diseased or die will be replaced with a suitable species.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

7 REVIEW OF ASSESSMENT MANAGER DECISION

Nil

8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

Nil

9 RELEVANT AUTHORITY ACTIVITIES REPORT

9.1 Activities Summary - September 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 Annual Review of Procedures at Council Assessment Panel Meeting

This report presented potential changes to the *Procedures at Council Assessment Panel Meetings* for the Council Assessment Panel's consideration.

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. The revised *Council Assessment Panel Operating Procedures* in **Attachment 3** of the Agenda report be adopted.
2. That the Assessment Manager be authorised to make changes of a technical and/or minor nature.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

10.2 Review of Council Assessment Panel Policy: Review of Decision of Assessment Manager

This report presented potential changes to the *Procedures at Council Assessment Panel Meetings (Meeting Procedures)* for the Council Assessment Panel's consideration.

RECOMMENDATION

It is recommended to the Council Assessment Panel that:

1. The revised *Council Assessment Panel Policy: Review of Decision of Assessment Manager* in **Attachment 2** of the Agenda report be adopted.
2. That the Assessment Manager be authorised to make changes of a technical and/or minor nature.

COUNCIL ASSESSMENT PANEL DECISION

The Panel resolved that the recommendation be adopted.

10.3 Planning Policy Considerations

Nil

10.4 On-Street Parking Controls at Thebarton Theatre

The Panel resolved to authorise the Presiding Member to write to the Council's Chief Executive Officer to recommend that line marking in Danby Street, Torrensville is given due consideration and event based monitoring of on-street parking controls to address local community concerns associated with the operation of the Thebarton Theatre.

10.5 Parking restrictions in Liley Street

The Panel noted local community concerns in regards to on-street parking restrictions in Liley Street, Hilton.

11 MEETING CLOSE

The Presiding Member declared the meeting closed at 7.35pm.