

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, 13 JUNE 2023**  
**at 5.00pm**

**Angelo Catinari**  
**Deputy Chief Executive Officer**

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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: | Mr H Edwards, Mr M Arman, Mr K Corolis |

Mr K Corolis appeared by electronic platform.

### **Officers:**

|                       |   |
|-----------------------|---|
| Mr Angelo Catinari    | (Deputy Chief Executive Officer)        |
| Ms Merryn Walton      | (Manager City Development - Acting)     |
| Mr Andrew Simons      | (Team Leader Planning - Acting)         |
| Ms Karen Mitrovic     | (Senior Development Officer - Planning) |
| Mr Julian Beauvillier | (Development Officer - Planning)        |
| Mr Brett Mickan       | (Development Technician, Minute Taker)  |

## **3 APOLOGIES**

### **Apologies**

#### **Panel Member:**

Ms Jane Strange

### **RECOMMENDATION**

That the apologies be received.

### **COUNCIL ASSESSMENT PANEL DECISION**

The Panel resolved that the recommendation be adopted.

## 4 CONFIRMATION OF MINUTES

### RECOMMENDATION

That the Minutes of the meeting of the Council Assessment Panel held on 9 May 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 58 Richmond Road, KESWICK

Application No 23004522

Appearing before the Panel were:

Representors: **Irene Papaioannou** of 56 Richmond Road, Keswick appeared in support of the representation.

**Dennis Horton** of 1 Ashford Road, Keswick appeared in support of the representation.

**Jules Williams** of 3 Ashford Road, Keswick was represented by **Dennis Horton**.

Applicant: **Andrew Humby** of Humby Consulting 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 2023.3.
2. Application No. 23004522 by Albert and Anita Ruiz to carry out Change of use from bulky goods outlet to indoor recreation facility (pilates studio) with associated signage 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. The hours of operation of the premises shall not exceed the following period:-
  - 5:00am to 8:00pm Monday to Friday inclusively;
  - 6:00am to 12:00pm Saturday to Sunday
3. The use herein approved shall be restricted in capacity to a maximum of 18 patrons at any given time, and a maximum of 2 staff at any given time
4. A 15 minute changeover interval shall be provided between classes on all days.
5. 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.
6. The acoustic measures referenced in the report prepared by Beat Frequency as included in the documents submitted shall be established prior to the first use of the premises as an indoor recreation facility.
7. No amplified music shall be played outside the building(s).
8. The land use shall at all times be in operation in accordance with the guidelines set out in the *Environment Protection (Noise) Policy 2007*.

**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 2023.3.
2. Application No. 23004522 by Albert and Anita Ruiz to carry out Change of use from bulky goods outlet to indoor recreation facility (pilates studio) with associated signage is GRANTED Planning Consent subject to the following conditions of consent:

**Reserved Matter:**

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. Acoustic treatments shall be provided to the Assessment Manager for further consideration with treatments to be in accordance with the EPA noise protection policy and to the satisfaction of council.

Pursuant to Section 102(3) 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:
2. The hours of operation of the premises shall not exceed the following period:-
  - 5:00am to 8:00pm Monday to Friday inclusively;
  - 6:00am to 12:00pm Saturday to Sunday
3. The use herein approved shall be restricted in capacity to a maximum of 18 patrons at any given time, and a maximum of 2 staff at any given time
4. A 15 minute changeover interval shall be provided between classes on all days.
5. 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.
6. The acoustic measures referenced in the report prepared by Beat Frequency as included in the documents submitted shall be established prior to the first use of the premises as an indoor recreation facility.
7. No amplified music shall be played outside the building(s).
8. The land use shall at all times be in operation in accordance with the guidelines set out in the *Environment Protection (Noise) Policy 2007*.

**7 REVIEW OF ASSESSMENT MANAGER DECISION**

Nil

**8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER****8.1 31 Capper Street, CAMDEN PARK**

Application No. 22033457

**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.

**5.48pm** the meeting moved into Confidence and the confidential session commenced.

**5.56pm** the Confidential session closed and the meeting reopened to the public.

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

### **8.2 11-13 Lydia Street, PLYMPTON**

Application No. 22037262

### **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.

**5.56pm** the meeting moved into Confidence and the confidential session commenced.

**6.05pm** the Confidential session closed and the meeting reopened to the public.

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

## **9 RELEVANT AUTHORITY ACTIVITIES REPORT**

### **9.1 Activities Summary - June 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**

Mr Arman raised whether the panel needed to come up with an interpretation of acoustic advice presented for a methodological consistency to help the panel make consistent decisions around proposed acoustic treatments.

Mr Corolis thanked the panel for the opportunity to be on the panel and stated that he found it enjoyable. Mr Corolis thanked the panel for allowing him to explore his learning.

Mr Arman also acknowledged the contribution of Ms Strange, Mr Corolis and the Presiding Member for their efforts on the panel.

The Presiding Member thanked the staff for their support during her time on the panel. The Presiding Member also thanked Mr Corolis for the incisive questions and thinking which has changed her thinking, and Mr Edwards, Mr Arman, Ms Strange and Mr Nitschke for their efforts.

Mr Catinari thanked the panel for their time and wished them well for the future.

## **11 MEETING CLOSE**

The Presiding Member declared the meeting closed at 6.10pm.