

CITY OF WEST TORRENS



Confidential Minutes
of Report Item 8.1
of the
COUNCIL ASSESSMENT PANEL

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

on

TUESDAY, 10 MAY 2022
at 5.00pm

Hannah Bateman
Assessment Manager

Index

8 **Confidential Reports Of The Assessment Manager** 1

8.1 437 Henley Beach Road, BROOKLYN PARK 1

Released

8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

8.1 437 Henley Beach Road, BROOKLYN PARK

Application No DA 21014960

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 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.

5.27pm the meeting moved into Confidence and the confidential session commenced.

PRESENT

Panel Members:

Presiding Member:	Ms S Ditter
Council Member:	Mr G Nitschke
Independent Members:	Mr M Arman, Mr K Corolis, Mr H Edwards

Mr K Corolis appeared by electronic platform

Officers:

Ms Hannah Bateman	(Manager City Development and Assessment Manager)
Ms Rachel Knuckey	(Team Leader Planning)
Mr Steven Burke	(Development Officer - Planning)
Ms Zoe Delmenico	(Development Officer - Planning)
Mr Brett Mikan	(Development Technician)

RECOMMENDATION

The Council Assessment Panel, having considered the compromise proposal for consent to vary an existing development authorisation, and pursuant to the provisions of the *Planning, Development & Infrastructure Act 2016* finds the proposal to be not seriously at variance with the Planning & Design Code Version 2021.8 and resolves to advise the Environment Resources and Development Court that it does SUPPORT Development Plan Consent for Application No. 21014960 by Mr Domenico Maurici to undertake a variation to Condition 3 in DA 211/262/2016 to extend the hours of operation to include Mondays 11.00am to 11.00pm and Sundays 11.00am to 9.00pm at 437 Henley Beach Road, Brooklyn Park (CT's 5163/417 & 5163/418) subject to the following conditions:

Conditions

1. That all original planning conditions of Development Approval 211/262/2016 dated 14 September 2016 shall remain applicable, except where varied by the following conditions.
2. That the hours of operation shall not exceed the following:
 - 11:00am to 11:00pm Monday to Saturday inclusive; and
 - 11:00am to 9:00pm Sunday.
3. Waste collection shall only be carried out prior to 11:00am Monday to Friday inclusive.

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 8.1 - 437 Henley Beach Road, BROOKLYN PARK, 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.

5.37pm the Confidential session closed and the meeting reopened to the public.