

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, 14 JUNE 2022**  
**at 5.00pm**

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

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Released

## 8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

### 8.1 5-9 Palmyra Avenue, TORRENSVILLE

Application No DA 211/279/2021

#### 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.

**6.22pm** 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:	Ms J Strange, Mr M Arman, Mr K Corolis

##### Officers:

Ms Hannah Bateman	(Manager City Development and Assessment Manager)
Ms Rachel Knuckey	(Team Leader Planning)
Ms Zoe Delmenico	(Development Officer - Planning)
Mr Phil Smith	(Senior Development Officer - Planning)
Mr Seb Anderson	(Development Technician/Minute Taker)

## RECOMMENDATION

The Council Assessment Panel, having considered the application for consent to carry out development of land (as amended) and pursuant to the provisions of the *Development Act 1993* finds the proposal to be not seriously at variance with the Development Plan and resolves to advise the Environment Resources and Development Court that it does SUPPORT Development Plan Consent for Application No. 211/279/2021 by New Creation Group to undertake the demolition of existing buildings and construction of 19, two-storey dwellings with common driveway access and associated landscaping and fencing at 5-9 Palmyra Avenue, Torrensville (CT5720/72 & CWT5798/608) subject to the following reserved matters and conditions:

### Reserved Matters:

The following information shall be submitted for further assessment and approval by the City of West Torrens as reserved matters under Section 33(3) of the *Development Act 1993*:

1. A Construction Management Plan (CMP) for the proposed development. The CMP should identify potential issues and appropriate measures to minimise impacts and disruption to surrounding residents and business owners during the construction phase of the development. The plan shall also detail the types, volumes and distributions of traffic and how they will be managed.
2. A Waste Management Plan is to be submitted and approved by Council administration prior to the granting of Development Approval. The plan shall detail, but not be limited to, collection times, the type of vehicle used for collection, location of bins for collection for each dwelling, the storage of bins shown for each dwelling, etc.

Pursuant to Section 42(1) of the *Development Act 1993*, the Council reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserved matters outlined above.

### 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:
  - Demolition Plan prepared by New Creation Group, Sheet No. A101 dated 17/02/21;
  - Site Plan prepared by New Creation Group, Sheet No. A100 dated 19/04/22;
  - Landscape Plan & Schedule prepared by New Creation Group;
  - Fence elevations prepared by New Creation Group, Sheet No. A110 dated 04.04.22;
  - Units 1-8 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21 and 04/04/22;
  - Unit 9 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;
  - Units 10, 13-16 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;
  - Unit 11 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;
  - Unit 12 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;
  - Unit 12 Carport Plan prepared by New Creation Group, Sheet No. A101 dated 02/08/21;
  - Unit 17 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;

- Unit 17 Carport Plan prepared by New Creation Group, Sheet No. A101 dated 02/08/21;
  - Unit 18 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21;
  - Unit 19 Plans prepared by New Creation Group, Sheet No. A101-A109 dated 17/08/21 and 19/04/22;
  - Front Streetscape Plan prepared by New Creation Group, Sheet No. A106 dated 04/04/22;
  - Civil & Drainage Plan prepared by KP Squared, Drawing No. C2, Issue C dated 10/04/22;
  - Earthworks & Paving Details prepared by KP Squared, Drawing No. C4, Issue A dated 10/02/21;
  - Stormwater Calculations prepared by KP Squared, Issue A dated 10/02/21; and
  - Letter prepared by MFY dated 05/03/21.
2. All stormwater design and construction will be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage will not at any time:
- a) Result in the entry of water into a building; or
  - b) Affect the stability of a building; or
  - c) Create unhealthy or dangerous conditions on the site or within the building; or
  - d) Flow or discharge onto the land of an adjoining owner; or
  - e) Flow across footpaths or public ways.
- Reason: To ensure that adequate provision is made for the collection and dispersal of stormwater.*
3. All stormwater management measures for the development approved herein, including harvest tanks and supply mechanisms shall be installed and operational prior to the occupation of the development.
- Reason: To ensure that adequate provision is made for the management of stormwater.*
4. The rainwater tank for all dwellings shall be plumbed to deliver recycled water to all toilets and laundry cold water outlets and shall be connected prior to occupation of the dwellings.
- Reason: To ensure that adequate provision is made for the collection and dispersal of stormwater.*
5. The stormwater connections for Dwellings 1 to 8 shall be offset a minimum of 2.0 metres from existing street trees that are to be retained.
- Reason: To minimise impacts on existing street trees.*
6. All driveways, parking and manoeuvring areas will be formed, surfaced with concrete, bitumen or paving, and be properly drained prior to occupation, and shall be maintained in reasonable condition at all times to the satisfaction of Council.
- Reason: To ensure safe and convenient vehicle access and to suppress dust.*

7. All landscaping shall be planted in accordance with the approved plans and incorporate an appropriate irrigation system within three (3) months of the occupancy of the development or the next available planting season. Any person(s) who have the benefit of this approval will cultivate, tend and nurture the landscaping and shall replace any plants which may become diseased or die. Those trees to be planted are to be a semi-mature height at the time of planting.

*Reason: To enhance the amenity of the site and locality and to mitigate against heat loading.*

8. The side and rear upper storey windows of all dwellings shall be fitted with fixed obscure glass to the windows and balcony balustrades to a minimum height of 1.7 metres above the upper floor level to minimise the potential for overlooking of adjoining properties, prior to occupation of the building. The glazing in these windows shall be maintained to the satisfaction of Council at all times.

*Reason: To maintain the privacy of neighbouring residents*

9. No aboveground structures, such as letterboxes, service meters or similar are to be installed within the common driveway entrance and passing area.

*Reason: To ensure safe and convenient vehicle access.*

10. Details of the bin store enclosure shall be submitted to the satisfaction of Council prior to the issue of Development Approval.

*Reason: To ensure minimal disturbance to surrounding properties and to maintain the amenity of the locality*

11. The bin storage area shall be kept clean and tidy at all times with bins cleaned regularly to minimise odour.

*Reason: To minimise odour and to maintain the amenity of neighbouring properties*

12. Collection of waste shall be carried out at least once a week by a private contractor. All solid waste shall be stored in bins having a close fitting lid. The bins shall be stored within the designated bin storage area identified on the approved plans.

*Reason: To ensure residents are provided with waste management facilities and to maintain the amenity of the locality.*

13. Lights are required to be installed for safety purposes in all locations within the site that provide pedestrian access.

*Reason: To ensure safe and convenient pedestrian movement within the site.*

## NOTES

- City Operations has considered the health, structure, form, useful life expectancy and age of the street tree and in this instance will support the removal. Payment of a fee of \$750.00 will be required prior to the commencement of any work.
- The applicant is reminded that any boundary fencing, including a combination of retaining walls and fencing, that exceeds a height of 2.1 metres above ground level requires development approval under a separate application.

## COUNCIL ASSESSMENT PANEL DECISION

The Council Assessment Panel, having considered the application for consent to carry out development of land (as amended) and pursuant to the provisions of the *Development Act 1993* finds the proposal to be not seriously at variance with the Development Plan and resolves to advise the Environment Resources and Development Court that it does SUPPORT Development Plan Consent for Application No. 211/279/2021 by New Creation Group to undertake the demolition of existing buildings and construction of 19, two-storey dwellings with common driveway access and associated landscaping and fencing at 5-9 Palmyra Avenue, Torrensville (CT5720/72 & CWT5798/608) subject to the following reserved matters and conditions:

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2. A Waste Management Plan is to be submitted and approved by Council administration prior to the granting of Development Approval. The plan shall detail, but not be limited to, collection times, the type of vehicle used for collection, location of bins for collection for each dwelling, the storage of bins shown for each dwelling, etc. The location of the bin storage and collection shall not compromise any visitor car parking.

Pursuant to Section 42(1) of the *Development Act 1993*, the Council reserves its decision on the form and substance of any further conditions of Development Plan Consent that it considers appropriate to impose in respect of the reserved matters outlined above.

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**FURTHER**

1. Pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, Item 8.1- 5-9 Palmyra Avenue, TORRENSVILLE, 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**

The Panel resolved that the recommendation be adopted.

**6.45pm** the Confidential session closed and the meeting reopened to the public.