

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 SEPTEMBER 2021
at 5.00pm**

**Hannah Bateman
Assessment Manager**

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

8.1 25 Mortimer Street, KURRALTA PARK 1

Released

8 CONFIDENTIAL REPORTS OF THE ASSESSMENT MANAGER

8.1 25 Mortimer Street, KURRALTA PARK

Application No DA 211/1143/2020

Reason for Confidentiality

It is recommended that this Report be considered in CONFIDENCE in accordance with regulation 13(2)(a) (vii) 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;

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.

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.

6.40pm the meeting moved into Confidence and the confidential session commenced.

6.41pm Mr Kon Corolis declared an indirect conflict of interest in this item on the basis that he is employed for the University of Adelaide which has a Managing Contractor Arrangement with Sarah Constructions of which the applicant Mr A Carbone is their General Manager. Mr Corolis left the meeting for the discussion and vote on the item.

PRESENT

Panel Members:

Presiding Member:	Ms S Ditter
Council Member:	Ms G Nitschke
Independent Members:	Ms J Strange, Mr M Arman

Officers:

Mr Angelo Catinari	(General Manager Urban Services)
Ms Hannah Bateman	(Manager City Development and Assessment Manager)
Ms Rachel Knuckey	(Team Leader Planning)
Mr Brendan Fewster	(Development Assessment Consultant)
Ms Sonia Gallarello	(Senior Development Officer - Planning)
Mr Seb Anderson	(Development Technician)

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. 211/1143/2020 by Mr A Carbone to undertake the Demolition of existing dwelling and associated structures and construction of two (2) x residential flat buildings, the front building comprising two x three-storey dwellings and one x two-storey dwelling, all including a roof top alfresco area and associated car parking; the rear building comprising three x two-storey dwellings and associated car parking; front fencing to a maximum height of 1.4 metres and perimeter retaining walls and fencing to a maximum combined height of 2.3 metres at 25 Mortimer Street, Kurralta Park (CT 5286/893) subject to the following conditions:

Conditions

1. The development shall be undertaken, completed and maintained in accordance with the following plans and information detailed in this application except where varied by any condition listed below:
 - a) Architectural plan set by Alexander Brown Architects including site plan, elevations. landscape plan, and fence details:
 - 20-036.PL00.02 Location Plan and Site Survey 24/8/2021
 - 20-036.PL01.02 Demo Plan 24/8/2021
 - 20-036.PL03.10 Ground Floor Plan 24/8/2021
 - 20-036.PL04.10 Level 01 Floor Plan 24/8/2021
 - 20-036.PL05.09 Level 02 Floor Plan 24/8/2021
 - 20-036.PL06.07 Roof Plan 24/8/2021
 - 20-036.PL07.07 Elevations 30/7/2021
 - 20-036.PL08.07 Elevations 28/7/2021
 - 20-036.PL09.06 Perspectives 30/7/2021
 - 20-036.PL10.05 Perspectives 30/7/2021
 - 20-036.PL11.03 Shadow diagrams 28/7/2021
 - 20-036.PL12.06 Landscape Plan 24/8/2021
 - 20-036.PL13.06 Bin Collection Plan

- b) Stormwater management plan by Combe Pearson Reynolds Consulting, Drawing No 200379-C001, Revision E.
- c) Stormwater management plan by Combe Pearson Reynolds, Job No 200379 - C001 Revision E dated 2 August 2021 and accompanying letter and stormwater calculations dated August 2021:
 - d) Letter by URPS dated 3 August 2021
 - e) Email from URPS dated 19 August 2021
 - f) Traffic report by CIRQA, reference 210017|BNW dated 11 August 2021.
 - g) Acoustic report by Sonus document reference S7012C3 dated July 2021.

Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.

- 2. Prior to the occupation or use of the development, all stormwater design and construction shall be to the satisfaction of Council to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage shall 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 insanitary 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. Prior to the occupation or use of the development, all driveways, parking and vehicle manoeuvring areas shall be constructed and surfaced with concrete, bitumen or paving, and shall be drained and maintained in a good condition at all times to the reasonable satisfaction of Council.

Reason: To provide safe and convenient parking and manoeuvring areas for users of the development.

- 4. All external materials, surface finishes and colours shall be consistent with the information detailed in this application and shall be maintained in a good condition at all times to the reasonable satisfaction of Council.

Reason: To ensure a high standard of materials and finishes are used in the final presentation of the building.

- 5. Prior to the occupation or use of the development, the upper storey windows on the north elevation (front building); south elevation (rear building); north elevation (rear building); west elevation (front and rear building); and east elevation (front and rear building) shall be fitted with fixed obscure glazing (not film coated) up to 1.7 metres from the finished floor level (FFL) of the upper storey or have a raised sill height to a minimum height of 1.7 metres above the upper floor storey. Where there is an upper level awning style window, this shall also be obscure up to 1.7 metres and have a restricted opening of no greater than 200mm to minimise the potential for overlooking of adjoining properties. All glazing in these windows shall be maintained in good condition at all times to the reasonable satisfaction of Council.

Reason: To minimise the impact on privacy to residents of adjoining dwellings.

6. Skylights are to be added to the master bedroom of Dwelling 2 and Bedroom 2 of Dwelling 1, shown on the plans prior to full development approval and shall be installed prior to occupation of the development.

Reason: To allow additional sunlight to living spaces on the north face of the front residential flat building.

7. An openable window on the northern wall of Bedroom 2 of Dwelling 1 shall be shown on the plans prior to the full development approval and shall be installed prior to occupation of the development. The window shall address overlooking with obscure glazing to a sill height of 1.7 metres with restricted openings to no greater than 200mm to minimise the potential for overlooking to adjoining properties. All glazing in these windows shall be maintained in good condition at all times to the reasonable satisfaction of Council.

Reason: To allow additional natural ventilation to Dwelling 1.

8. The northern balcony wall for dwelling 2 shall be replaced with fixed obscure glazing to a height of 1.7m.

Reason: To allow additional sunlight to living spaces on the north face of the front residential flat building.

9. The stormwater and other infrastructure shall be setback a minimum of 2 metres from any street tree.

Reason: To protect the health of Council's street trees.

10. All landscaping shall be planted in accordance with the approved plans and incorporate an appropriate irrigation system prior to the occupation of the development or the next 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.

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

11. No above structure(s) such as letterboxes service meters or similar are to be installed within the common driveway entrance and passing area.

Reason: To keep manoeuvring areas safe and clear of obstructions.

12. Waste bins shall be provided in accordance with Council's 'shared bin' requirements prior to occupation of the development and shall be maintained to the satisfaction of Council at all times. The following bins shall be provided:

- 6 x 140L General Waste Bins (individual)
- 6 x 240L Recycling Bins (individual)
- 2 x 240L Organic Bin (shared)

Reason: To ensure adequate provision is made for waste management.

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. 211/1143/2020 by Mr A Carbone to undertake the Demolition of existing dwelling and associated structures and construction of two (2) x residential flat buildings, the front building comprising two x three-storey dwellings and one x two-storey dwelling, all including a roof top alfresco area and associated car parking; the rear building comprising three x two-storey dwellings and associated car parking; front fencing to a maximum height of 1.4 metres and perimeter retaining walls and fencing to a maximum combined height of 2.3 metres at 25 Mortimer Street, Kurralta Park (CT 5286/893) subject to the following reserved matters and conditions of consent:

Reserved Matter

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 Environment Management Plan (CEMP) shall be prepared and implemented in accordance with current industry standards - including the EPA publications "Handbook for Pollution Avoidance on Commercial and Residential Building Sites - Second Edition" and, where applicable, "EPA Guidelines for Environmental Management of On-Site Remediation" - to minimise environmental harm and disturbance during construction. The CEMP is to specifically address traffic movements, parking, deliveries and the like during construction.

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.

Conditions

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 - a) Architectural plan set by Alexander Brown Architects including site plan, elevations, landscape plan, and fence details:
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Reason: To ensure the proposal is developed in accordance with the plans and documents lodged with Council.

2. Prior to the occupation or use of the development, all stormwater design and construction shall be to the satisfaction of Council to ensure that stormwater does not adversely affect any adjoining property or public road and, for this purpose, stormwater drainage shall 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 insanitary 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. Prior to the occupation or use of the development, all driveways, parking and vehicle manoeuvring areas shall be constructed and surfaced with concrete, bitumen or paving, and shall be drained and maintained in a good condition at all times to the reasonable satisfaction of Council.

Reason: To provide safe and convenient parking and manoeuvring areas for users of the development.

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Reason: To ensure a high standard of materials and finishes are used in the final presentation of the building.

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9. The stormwater and other infrastructure shall be setback a minimum of 2 metres from any street tree.

Reason: To protect the health of Council's street trees.

10. All landscaping shall be planted in accordance with the approved plans and incorporate an appropriate irrigation system prior to the occupation of the development or the next planting season. Trees shall be semi mature at time of planting. 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 within three (3) months.

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

11. No above structure(s) such as letterboxes service meters or similar are to be installed within the common driveway entrance and passing area.

Reason: To keep manoeuvring areas safe and clear of obstructions.

12. Waste bins shall be provided in accordance with Council's 'shared bin' requirements prior to occupation of the development and shall be maintained to the satisfaction of Council at all times. The following bins shall be provided:

- 6 x 140L General Waste Bins (individual)
- 6 x 240L Recycling Bins (individual)
- 2 x 240L Organic Bin (shared)

Reason: To ensure adequate provision is made for waste management.

FURTHER

1. Pursuant to regulation 13(2) of the *Planning, Development and Infrastructure (General) Regulations 2017*, Item 8.1 - 25 Mortimer Street, KURRALTA 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.

6.57pm the Confidential session closed and the meeting reopened to the public.